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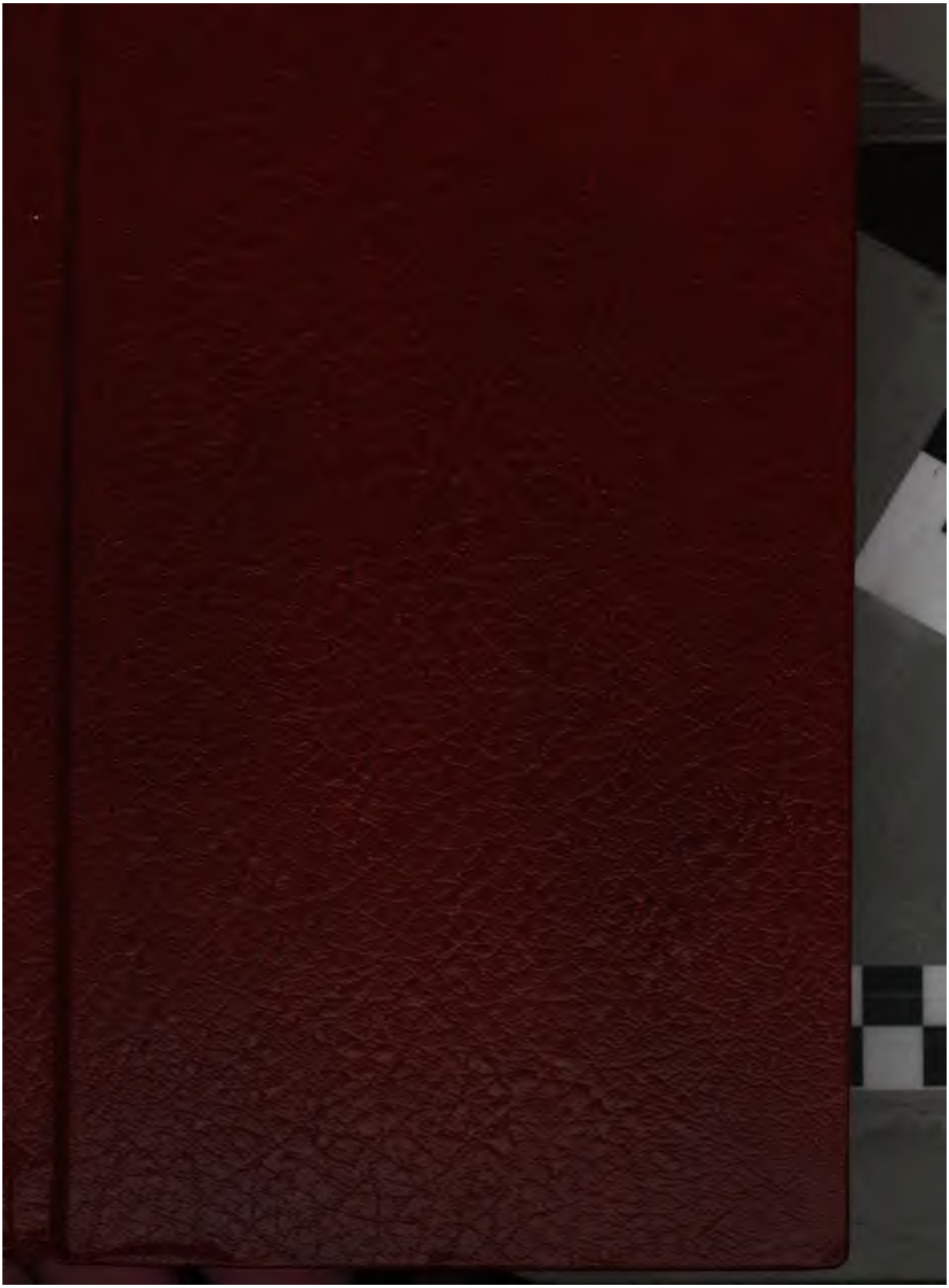

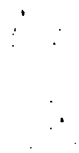

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BIOGRAPHICAL NOTICE.

"To have joined, in a degree singular every where, the studies of the closet with practical life in several of its most difficult forms: to have plunged, with an early passion of scholarship, into its vigils, never afterwards intermitted, and yet not to have stiffened into the pedant or the professor: after attaining the command of Arts and Learning, to have known how to rise to a far nobler, rarer thing, and bring them into the vigorous service of active affairs and the great world: not to have studied himself out of the native strength of his parts, but only into their readier and surer exercise: not to have lost himself in words or systems, but turned their mastery into that of things: to have filled himself to the lips with languages without spoiling his own, and with literature without losing his originality: in a country of rapidity and shallowness, where to do quickly and popularly is to do successfully, to have dared to be solid and sincere: unabated in his purposes by public inappreciation, the luck of ignorance, the jeers of blockheads, to have held on his courageous way to honor: to have scorned all success, but that which is seized and borne off by the mere strong hand and violence of ability and merit: as a lawyer, pausing little at forms, technicalities, the jargon of the science, the mere symbols of its knowledge, to have grasped, from the outset, at all those nearly unattempted resorts, that should make a light and an era in jurisprudence amongst us: as an orator, to have armed himself with an eloquence, not the mere happiness or ill abundance of such speech, glittering and facile, as popular institutions at once make common and forbid to rise to art the most consummate, but such as vied, in regularity, force and polish, with the glories of classic greatness: as a statesman, to have made his way, through a succession of important trusts up to nearly the most eminent, almost without popular favor, in a country where that favor is all in all, to blow, like the wind, where it listeth, and to fall, like the rain, upon

the godly and ungodly alike: in such stations, to have won, even amid those furies of party, which make of our politics little else than hostile camps, and a perpetual civil war without the honor of arms, the respect and regrets of all parties at once:—these things are the praise of him whose life we are about to relate, with as little exaggeration or partiality as a warm personal attachment will permit.

Hugh Swinton Legare, the son of Solomon Legaré, junr., and of Mary Swinton his wife, was born in Charleston, S. C., on the 2nd January, 1797. On the father's side, he was of that Huguenot race, the *incunabula* of many of the best families of his State, whom the same spirit, which drove the "Pilgrims" of New-England to its then dreary coast, led to seek Freedom under a more genial sky and gentler institutions, planned by the philosophic liberality of Locke, but destined,—except in the real religious equality, the legal toleration which they were the first to establish—to endure, like other instances of extemporized Constitutions and philosophic visions of government, barely until they had been reduced to practice.

On the maternal side, he was of a lineage still more strenuous—that of those Scottish Swintons, celebrated for their prowess in the traditions of the Border which they long defended; one of whom, "stout Sir Alan," figures in the animated page of Froissart and in his copyist, Sir Walter Scott.* The genealogy, lost in every other form,

* See his "Halidon Hill," Sir Alan is its hero. The notes contain various references to the history of the family, of whom, this chief was the companion of the Bruce. Sir Walter says of them, in his Preface, after reciting Pinkerton's account of the part Sir Alan played in the battle of Halidon Hill, "The tradition of the Swinton family, which still *survives in lineal descent*, and to which the *author has the honor to be related*, avers," etc. He afterwards describes, as they really were, his remarkable person, his extraordinary prowess, and the cognizance of his family:

> "There needed not, to blazon forth the Swinton,
> His ancient burgonet, the sable boar
> Chain'd to the gnarled oak, nor his proud step,
> Nor giant stature, nor the ponderous mace,
> Which only he, of Scotland's realm, can wield:
> His discipline and wisdom mark the leader,
> As doth his frame the champion."

Douglas, in his "Baronage," p. 132, says, "The armorial bearings of the ancient family of Swinton are *sable*, a cheveron, *or*, between three boar's heads erased, *argent*. Crest, a boar chained to a tree, and above, on an escroll, *J'espere*. Supporters, two boars standing on a compartment, whereon are the words, *Je pense*." Scott makes them trace their feats up "to the old days of Malcolm call'd the maiden;" who belongs to some date that was very old in Bruce's time. We

is still assured, among their American descendants, by one of those domestic marks which even Democracy, in its enmity of all distinctions, but slowly obliterates—the transmission, from generation to generation, of certain favorite baptismal names. Those of Hugh and Alan, proper to the Swintons of that ilk, of Simprin-Mains and Swinton-Quarter, seem of frequent recurrence among the Carolinian race. Of the precise date of their migration hither, we are not informed. William Swinton, the grand-father of Mrs. Legaré, is believed to have been sent out, as Surveyor-General of the Province, some time between 1721 and 1731. The family names were William, Hugh and Alexander. They are reputed, however, to have been Covenanters; so that he of whom we write mixed in his veins whatever of either French or Scottish blood was inimical to tyrants

His progenitor, Solomon Legaré, the first emigrant of the name, from whom he was fifth in descent, left his native land for America in 1695 or 1696, and fixed his residence in the north-eastern part of the city of Charleston. Acquiring in that quarter of the town a considerable landed property, he bestowed it upon two of his sons and a daughter: while, purchasing another body, on the opposite side of the city, traversed by a street which still bears his name, he left this, entire, to his son Solomon, the father of Thomas, whose son, a third Solomon, was the father of Hugh Swinton Legaré. The city estate thus inherited by the second Legaré he sold, in great part,—purchasing, in its stead, possessions on the neighboring John's Isand; which henceforth became the chief seat of that branch of the family, and where still remain, in the possession of those of the name, two ancient mansions, erected by their forefather, the son of the emigrant.*

find a modern Swinton one of the authors of the great "Universal History." Another Swinton, to whom we cannot now more precisely refer, is said to have made, on his estate of Swintondale, one of the earliest attempts at what has since become the steam-boat.

* The South-Carolina Gazette, of the year 1760, contains the subjoined notice of the death of the original emigrant:

"*Died*, on the 8th May, 1760, Mr. Solomon Legaré, Senr., in the 87th year of his age—one of the oldest settlers in this Province. He had been here 64 years."

The steps of descent and alliance are traced as follows:

I. Solomon Legaré, the Huguenot emigrant.

II. Solomon, the son; who intermarried with Mary Stock.

III. Thomas, the grandson; intermarried with Elizabeth Barnet.

IV. Solomon, the great-grandson; who, intermarrying with Mary, the daughter of Hugh Swinton and of Susannah Splatt his wife, became the father of Hugh Swinton Legaré.

Of Solomon Legaré, Jr., the father of the late Attorney General, we are in possession of few particulars beyond his early death: a misfortune usually involving, to male children—especially if there be but one—ill-governed youth and a neglected education.* These were, however, in this instance, averted, partly by the admirable qualities of the mother, partly by the strong faculties of the boy, betokened almost from his cradle; and what seemed, at first, another cruel calamity, came only to aid, at the expense of his body, his intellectual development.

He was born of fine and singularly large proportions, which up to his fourth year promised the strength and the stature of his stalwart ancestry, those baronial prickers who, for a thousand years keeping the Borders, won such titles and attributes of arms as "John with the Long Spear"—"Archibald of the Axe"—"Richard the Ready"—or "Stout Sir Alan," "of that huge mace still seen where war was wildest."† But, at that age, it became necessary to inoculate him with the small-pox: the artificial disease took a more than usual virulence: medical mismanagement probably aggravated it; and it finally put on the confluent form, fixing itself upon the larger joints (his elbows and knees) in deep imposthumes. These kept him for some three months on his back, utterly helpless, and at length so mere a skeleton that, from stout as he had been, he came to be, for some time, borne about by his mother on a pillow. When these wasting tumours were at last dissipated, they left him his fine trunk greatly enfeebled, though otherwise unimpaired; but with limbs which, though stout, never afterwards grew to their proper length or shapeliness. For eight or nine years, he is said scarcely to have gained in height at all; and then, on his transfer to school and college in the upper country, to have shot up, with great rapidity; but it was in the superior part of his person almost entirely; for while his chest, bust and head became those of a very fine *torso*, his members remained those of a very short man. Seated, his length of body set off by a broad and manly chest, a noble head, and an air unusually imposing—he looked of commanding person; but risen, he seemed suddenly to have shrunk out of his bodily advantages. The defective conformation thus superinduced, unfitted him, in boyhood for its sports, in manhood for its exercises, and so consigned him, as sickliness did Pope, or distortion of the feet Scott and Byron, to intellectual activity

* The Gracchi and Sir William Jones afford the most remarkable exceptions.

† Scott, "Halidon Hill," *Act* ii., *Scene* 3.

and the relief of study only. In these he sought and found noble compensation for whatever he had lost in strength or beauty of limbs. The instincts of a powerful nature, which might else have found vent in robuster pursuits and a more vulgar excellence, were thus compressed into all the vehemence of a single feeling—the necessity of knowledge and its delights—the passion of mastering other men with his mind, since he could no longer hope to master them with his body.

The domestic traditions, however—those fond personal romances, woven between Memory and Imagination, which delight to embellish and magnify into auguries of greatness each little fact of the childhood of remarkable people—are not wanting in the recollection of presages of his genius, that appeared from his tenderest age. There could usually need, in truth, little but a recurrence to the fancies—forgotten, like dreams, when the event has not confirmed them—awakened in mothers and nurses by each childish trait, in order to establish, in almost any person's favour, these promises of something extraordinary. Probably if all the world turned out sages or heroes—which were perhaps a pity—the authentic legends of every body's surprising infancy would be much the same. So, at least, in concession to the *rationalism* of an age averse to prodigies of every sort, except Mesmerism, Millerism, Paper Constitutions, Hydropathy and Progressive Democracy, we are willing to argue: but we ourselves have a faith less material, and love, when we believe in fables, that they should be of the older kind, such as Voltaire demolished without and Niebuhr with learning—the fables of God, and those fables of a prodigious and inborn personal superiority which—perhaps with not a little loss to mankind—must cease, like other miracles, when checked by an universal refusal to believe that such things can be.

Be all this as it may, and whether or not it be as wise as it is natural that an Age of Littleness should discredit individual eminence, just as a world of Pigmies must be expected to disbelieve in Giants, it is none the less our business as historians to manage this mythological period in our subject as grave writers have so often done the fabulous ages of Greek, Roman and other annals. Positive facts being few, we must recite myths or allegories; and, as geographers were formerly wont to scatter about those unknown parts, which they could not otherwise figure in their maps, monsters such as Zoology has never been able to describe, so must we fill this part of our page with what, perhaps, that which entitles itself Criticism and delights in disenchanting us of many things noble or agreeable or useful to believe,

will refuse to accept as any thing but poetic inventions or even nursery tales.

He is reputed, then, in the domestic reminiscences, to have spoken at a remarkably early age, and to have betrayed, when but a little older, singular gleams of reflection and sense. As a child even, his air, manners and habits bespoke something unusual, something entirely superior to his years—indications of a marked and fine individuality. These were no doubt much assisted by the powerful mould of the person in which he was originatly cast, a large and strikingly developed head, and well-proportioned features, full of all the elements of thought and passion. Such as we know him first by report, in a distant State, whither some of his companions and his chief rival at college and elsewhere brought the fame (as it was for a youth of 17 or 18) of his extraordinary abilities—such as we afterwards knew him, certainly far the most accomplished person and most powerful genius that we have ever met—and such as we know that he seemed, at every part of his life, from his first school upwards, to all who remarked him as his elders or contended with him as his equals, we, at least, are perfectly prepared to receive as genuine all that his family relate of the earliest tokens which he gave of parts the most vigorous and of tendencies the most invincible to the utmost intellectual excellence to which one could be bred up in the country and at the time to which he belonged. We have never seen any other instance of so powerful a determination towards a consummate cultivation of all the arts that are fit to crown admirable gifts with every advantage of complete discipline; and these things were in him so much beyond any thing we ever witnessed in others, that we consider it certain that his "strong nativity" of knowledge must have displayed itself betimes.

It appears that he learnt to read in his mother's arms, while borne about and tended in the manner that we have already described; and that, in the long feebleness of his lower limbs left even by returning health, the new-found treasure of books must have become his main delight. It was probably at this first period of study (as it is no abuse to call it for him, even from the first) that he contracted the taste which we have often heard him express for what had not yet been banished by the Barbauld and de Genlis child's literature—the older tales, we mean, of giants and pigmies, enchantments and fairy-land—the puissant Tom Thumb; or him of the giants, Jack; or the veracious voyager, Gulliver; or the delicious wonders of the Arabian story-tellers;

or that master-piece of probable fiction, Robinson Crusoe. In every thing of this sort, he was deeply read, and was accustomed to dictate afterwards on their superiority to what has displaced them, for the formation of the young mind—the sensible or instructive books, that would have children learn what men learn—that teach just science or fact enough to forestal, not inform, and take the edge off curiosity—books, in a word, which, before yet the fancy or the feelings have been formed, inculcate advanced and multiplied morals for those who are still incapable of experience and led chiefly by the senses. For that age the compositions are fittest which captivate the most. Leave it to the boy himself, and see what he will devour! In this, indeed, we have a guide obvious enough: the natural process of knowledge is necessarily just that which the rise of knowledge itself has followed among men: it begins among rude nations with tales and songs, with what affects the imagination and the heart; and advances long afterwards to positive science. Barbarous nations are but larger and fairer children. If these things seem out of place here, we have been led to them, as the opinions of him concerning whom we write. They have their place in his life, since they were a part of his mind, and probably had their influence over its formation.

Indeed, the care of such a mother as it was Legare's happiness to have; made, as it was, doubly solicitous by his becoming, through the loss of his father, her undivided charge, and by the helpless condition to which she saw him, her chief hope, reduced by disease—has an image probably as just as it is sweet in the picture which a poet has drawn of the education of one of the opposite sex by a widowed father:

> I may not paint those thousand infant charms,
> (Unconscious fascination, undesigned!)
> The orison, repeated in his arms,
> For God to bless her sire and all mankind—
> The book, the bosom on his knee reclined—
> Or how sweet fairy-love he heard her con,
> The play-mate, e'er the teacher, of her mind.
> All uncompanion'd else her years had gone,
> "Till now in Gertrude's eyes their ninth blue summer shone."*

The piety, the affection, the charity, the early love of knowledge, the tender care repaid with caresses as tender, and probably the fairy-love were all parts of this excellent mother's system: for she was clearly wise enough to be "the play-mate e'er the teacher of his mind."

* Campbell, *Gertrude of Wyoming*, Canto I.

Between his fourth year and his sixth, when he was first sent out to school, he had probably, with the boundless curiosity which he possessed, read much and formed, what is best formed by this earliest reading, a good English. For 'tis not at school that a boy ever gets a good knowledge of his own tongue, let him learn there whatever else he may. 'Tis much reading, and not teacher's work, which gives him that. But we find his first master, Mr. Ward, (an Englishman then teaching in Charleston,) declaring to his mother, when, in his ninth year, he became importunate to be taught Latin, and she resisted it because she supposed him unprepared, "that he was very far advanced in English, a boy of high talents, fine taste and great industry." His course with this instructor, then, was probably the usual rudimentary one in English—grammar, geography, the elements of history and arithmetic.

Yielding now to the opinion of Mr. Ward and to his own urgent wishes, his mother transferred him to the care of a Catholic priest, Dr. Gallagher, reputed, in that day, the most eminent classical teacher of Charleston. Under this master, with whom he seems to have remained two or three years, we know not precisely what was his progress: we only learn that it was such that the reverend Dr. himself, an enthusiast in Latin literature and in eloquence, but apparently somewhat *national* in his favorite models of the latter, took the greatest delight and pride in him, pronounced that he would be "an honor to his country for erudition, and, as an orator, *the Curran and Burke* of America." Mr. Legaré himself was accustomed, at any event, to say that it was to Dr. Gallagher that he owed his passion for classical letters generally, and much of his knowledge of Latin; while it was to Dr. Waddel (his next teacher but one) that he was indebted for his love of Greek.

We have here on the part of Dr Gallagher, a very bold prediction, when uttered (as it certainly was) of a boy less than 12 years old: bold, we mean, of course, omitting that other glory of Hibernian oratory, who was such an exaggeration of Burke's greatest blemishes as the rhapsodical Counsellor Phillips was of his. It would be difficult, indeed. to fix on any one that has arisen among us so fit to be put in parallel with the great smiter of Jacobinism as was Legaré. Ample as was that illustrious man's erudition; wide and noble as his range of public knowledge; in these and in the entire command of one great practical pursuit (Jurisprudence) Legaré certainly excelled him; while he as certainly surpassed him in all that gives success to the *uttered* harangue. As an author, bating that they cannot fairly be compared

who died at ages so different, an entire superiority must, on the other hand, be assigned to Burke—the more especially as his speeches belong rather to written than to spoken eloquence. As a great political philosopher again—we mean a statesman and politician in the largest and best sense, and not a metaphysician and sophister of public things, such as we could name if it were worth while—the palm over all moderns, except the mighty Florentine secretary, must be assigned to Burke. But here again, in favour of one whose legislative career on a sufficient theatre was so short and yet ennobled by such admirable speeches—one of which, in particular (that on the Sub-Treasury) need shun the comparison of ability with none of Burke's—large allowances must be made for inferior age or occasion or audience. The various papers of Legaré on the Democratic politics of Greece are of a merit at least approaching to that of the productions which constitute Burke's superiority—his several discourses on the French Revolution. Now, these were written under all the advantages of a present event the most agitating and appalling, by a man above 60; and those by one full 20 years younger. In the cast of their genius, of their public virtues, and even, in no small degree of their opinions, they were much alike. Originally, the American's tendency was to the investing philosophic thought and what may be called intellectual passion in a diction ornate and imaginative, like Burke's. In his progress of practice and thought, however, he turned this gorgeousness of a strong imagination to its legitimate and merely occasional office; and arrived at a manner more vigorous, by dint of being simpler and purer. His style grew to be for use that of Fox, for richness—where richness could be permitted—that of Burke. In a word, he became of a true vehemence, a Demosthenian severity and fire; while Burke, rarely addressing tumultuary audiences, never shook off his almost unvarying Ciceronian pomp. Let us, however, return to our narrative, perhaps already interrupted too much.

For what cause he was now, somewhere in his eleventh year, translated from the school of so able a master to another, we do not learn. Probably enough it was out of a special personal admiration for the gentleman (Mr. Mitchell King, afterwards an eminent lawyer and not long since, under circumstances signally honorable, Recorder and Judge of the City Court of Charleston*) then at the head of the lat-

* The remarkable trait of beneficence here alluded to cannot be more authentically given than in the subjoined statement of the Charleston *Courier*. We our-

ter—the High School as it really was, of Charleston. It has since risen into what it was originally, in 1785, incorporated to be, the local college of that very cultivated city; and through fortunes suffering long under what may be called the competition of its state, with its abundantly endowed institution at Columbia, now flourishes, under not a numerous but a highly efficient Faculty and the presidency of one who conciliates for it a deserved esteem.

Under Mr. King's care, every way enlightened and affectionate, young Legaré remained between 12 and 18 months, that is, until he had completed his 13th year. From the lessons of one not destined to teach until his own knowledge had congealed into that of the mere pedagogue, but of a better, freer, more general scholarship, fit to be, as it presently became in Mr. K. the instrument of high active pursuits, his pupil cannot have failed to derive if not a large addition to his positive knowledge, yet much as to the taste, spirit and aims that were to give it life. Certain it is that they formed for each other a regard which continued faithfully through life and

selves had, in another form, spoken of the fact upon distant and inexact information, as follows.

"Mr. King, after a laborious life, distinguished as much by merit as by success, has crowned a long professional career by accepting, in a very singular manner, a high judicial appointment, of which the salary is appropriated to the support of the almost destitute family of his predecessor."—*American Review*, No. 10. p. 417.

The *Courier* of Oct. 25. 1845, supplies a correcter and minuter account of the circumstances:

"The tribute to Judge King is one richly merited by that erudite scholar, eminent lawyer and benevolent gentleman; but is somewhat inaccurate in detail. He is not *still* the incumbent of the judicial chair (as one would infer from the *tense* in which the reviewer speaks), which benevolence and public spirit alone induced him to occupy only for a season. When the late estimable Judge Axson, Recorder of the City and Judge of the City Court of Charleston, was providentially struck down by paralysis, in the prime of life and usefulness, Judge King, at great personal sacrifice and inconvenience, kindly accepted the office of Additional Recorder, and discharged the duties of the station *gratuitously*, in order that Judge Axson might continue in the full receipt of his salary; and, on the death of that lamented functionary, he consented to serve for a few months longer, receiving the salary only to bestow it on the family of the deceased—and then, voluntarily vacated the office to resume his suspended professional engagements and literary pursuits."

Merely as an author, and quite apart from the personal regard in which we have cause to hold this excellent gentleman, we rejoice to be able to brighten our page with an act of such singular disinterestedness.

of which the tokens are before us in a long and intimate interchange of letters. Nor, indeed, were their relations as master and pupil to cease, when they terminated in the academic form: for when Legaré exchanged, a few years later, the studies of a college for those of a profession, it was in Mr. King's office that he began to prepare himself for the bar.

Meantime, offering a trait of character in him and of judgment in his mother, we must not pass unmentioned the only fact which we have heard of this part of his school life. As probably of junior pupils and a boy of one of the lower forms, he seems to have been under the immediate care of a harsh or injudicious usher, little observant of the boy's temper or perhaps of justice; who for some slight cause one day disgraced him in his own eyes by a blow. That evening, boiling with indignation at the unmerited dishonor which had never before been inflicted upon him, he returned to his mother, imploring her to remove him from the school; protesting that he had been unjustly degraded, and that he could not, would not endure it. She, however moved by the strong sense of wrong and shame which showed itself in his violent emotion, was too steady and too wise to yield to his unexamined representations and perhaps thus teach that he was always to be sustained against his teachers. She calmed him, therefore, with the assurance that the matter should be looked into, and meanwhile privately saw the head master. He no sooner heard what had happened than he pronounced that the usher must have acted injudiciously at least; that the boy was clearly one with whom every thing could be done without blows and whom a blow might ruin: 'twas too generous a spirit to be treated in that way. He suggested, therefore, to Mrs. L. to send her son back to school, with the healing assurance that Mr. King desired to take him under his own charge: which was accordingly done.

About the close of his 13th year, his mother, probably now consulting rather the physical benefits to his feeble frame to be derived from an upland school, than any expectation of a better teacher; or perhaps under the sound idea that he had now reached the age when the effeminacy of a home education should be broken—determined to send him to a distance. For this purpose she pitched upon a school, called the Willington Academy, then conducted with great reputation by the Rev. Dr. Moses Waddell. It was situated in the fine upland District of Abbeville, near the Savannah river, and therefore not far from the borders of Georgia; from which State, as well as upper Carolina, it drew many of its pupils: so that Dr. W. had

the good fortune to number among his disciples, at one time or another, many men not a little distinguished in after life.*

The school, we have said, and its master were then of great repute; and the fact that from it emerged many who figured in the public life of their region, seems to justify Dr. W.'s reputation. Yet, though he afterwards passed into Georgia, became the President of its college at Athens, and reigned, down to less than 20 years since, the Aristarch, the Parr, the Busby of a whole literary realm thereabouts, we are little able to say what were his merits as a scholar, or even as a teacher. His range of any thing like erudition was probably not large; but within it he was exact, methodical and rigid—a man to teach well, so far as he did it, by governing well; which is by-the-bye, the teacher's main qualification for the advancement of the mass of pupils.

This, however, as will have been easily divined, was not the sort of system of which Hugh Legaré had need or by which he could well be managed. A man of forms in the elevated pursuits which he had now learned ardently to love, a teacher who,

> With the same cement ever sure to bind,
> Would bring to one dead level every mind,

suited not that fervor of knowledge which had now fired him and would have hurried him on at a pace quite beyond the methods of his new preceptor. In the spirit towards himself, he doubtless met for the first time, a discipline not the most genial. In a word, he and his teacher appear, from the first, to have understood each other sufficiently ill. The school itself and the manners of his co mates of the country seem soon to have grown most heartily distasteful to him; and he began, within but a few weeks, to supplicate his mother, in frequent and very earnest letters, to remove him elsewhere. She, however, bent on accomplishing what she had proposed to herself, had the constancy to resist all his appeals. Repelled thus, he seems to have grown exceedingly unhappy, especially when presently the the teacher, who liked him not, made him, in his suspicions an imaginary party, along with some of his lowland associates, to a meditated plot or rebellion. At this harshly expressed persuasion, he became as indignant as he had before been disgusted, and renewed in the most vehement terms to his mother his entreaties to be recalled.

The letters conveying these fresh supplications are written in the

* Among them, besides Legaré, may be mentioned George McDuffie, Judge William Harper, and James L. Petigru—all Carolinians.

most passionate strain of indignation and suffering: but in the midst of the extremest expression of emotions evidently the most violent, it is still delightful to see that nothing escapes him, even when he thinks his mother cruel in her persistance, that does not breathe the completest filial respect and devotion. Every where, the mother is apparent, in the correspondence, as one not less firm than tender—the son as proud, vehement, even stormy, when his inborn, but yet, unformed feelings are once excited into full action; but full, as to his parent, of a sentiment that says all the while, to the very tempest and surge of his passion, "Thus far shalt thou go, and no farther!"

It is in these letters, indeed, that first visibly opens to us the beautiful (and ah! the rare) spectacle of the unbroken, unceasing, entire affection of these two. In the one, it is the fond maternal instinct, heightened by the widow's, the sole protectress, and guardian's stronger necessity to direct with a father's command, as well as cherish with a woman's utmost tenderness, her boy, her darling, him the young image of her husband, the hope of her house, its future honour: in the other, it is that child repaying, by a feeling as deep and almost as unmixed, the ceaseless solicitude, the admirable nurture, of which he was the conscious object. In life, we can recal no equal instance of this sort of love—but one that approaches it. Perhaps those of Pope, Gray the poet, and Schiller, are the known examples likest it—by all these, except in six touching lines of the verse of one of them,* kept sacred (as it was by Legaré) from the vulgar eye, and betrayed only in the confidence of the most intimate interchanges of thought, or in other records of what was passing in the breast. Of course, in the Legarés, main pleasure as it was in the existence of both, it often discloses itself in their mutual letters: and his, which alone we see,

* In these days, when Wordsworth's read and Shelley understood, when Bowles's sonnets "sell" ("stick to your sonnets, man! At least they sell;"—*Byron*)—when Pollok has passed for sublime, and all the last sweepings-out of Parnassus seem to have been flung down upon us, a mere reference to Pope is not enough; and we must, in order to be sure to be understood, cite eight lines, six of which are those to which we allude, and perfectly appropriate here, as describing the pious care with which Legaré watched over the failing years of his mother:

"Ah friend! may each domestic bliss be thine!
Be no intruding melancholy mine!
Me, let the tender office long engage
To rock the cradle of declining age,
With lenient arts extend a mother's breath,
Make languor smile and soothe the bed of death,
Explore the thought, explain the asking eye,
And keep at least one parent from the sky!"

tell plainly of what must be in hers. Upon occasions, however, and even in the midst of public triumph, of ability the most intoxicating, his heart evidently turns from all that heaped upon him the accomplishment of the vision of his laborious life, to what rose up as a reward above the applause of crowds and the admiration of Senates—the delight which each great public success would carry to the bosom of his parent. Indeed, these successes are known to those who understood him best to have dazzled and even to have moved him but little. He had a critic in himself more difficult to please than any mere audience; and testimonies of public delight therefore became but the confirmations of what powerful and regular Art had for him already divined. At times, the burst of admiration, which might have lifted others to the summit of gratified self-esteem, is known only to have saddened him: whether that he remained unsatisfied with himself and disapproved the popular approval; or that, in a nature full of passion and sensibility, upon which, at such moments, pressed foremost of all some thought of the affections, he was wrung—especially after the death of his mother—with some recurring sorrow. She, however, was entirely, through a great part of his life, the main centre of all that moved him most deeply: she, and the passion of merited renown, of lasting honour, won by great abilities nobly exerted.

Of an age yet to be governed by prejudices, and of a city the elegance and delights of which inspired and still inspire its inhabitants (of that order whose habits produce them) with a peculiar pride and fondness towards it—a sort of local patriotism the most fervid—it can scarcely have been much else than the *morgue*, which breathed itself there over the manners of its not a little exclusive circles, that made our young student—full as he already was of his own lofty thoughts, intent on intellectual eminence, and sympathizing with nothing that bore not the outward marks of it in a cultivated demeanor—quite distasteful to his fellow-pupils of the upper country and even to his master. Them, in his turn, he disliked still more vehemently, through all his earlier stay at Willington. Shy through life of all that pleased him not, and not yet trained down to that cynic insensibility to the minor elegances of life which democracies enforce, he probably held himself apart from the body of the school, and made his almost exclusive associates of a few Charleston pupils, themselves by no means popular. Certain of these, it seems, probably richer and therefore more irregular if not more insubordinate than the rest, had drawn on themselves the particular rigour of Dr. Waddell, and incurred at last, within the first few months of Legaré's residence there, the suspicion

of breeding plots, and even a rebellion. Utterly mistaking in such things the possibilities of young Legaré's character, and probably but little sensible as yet of merits concealed by his aversion to the school, the master included him in his suspicions and presently in his threats, to the supposed culprits, of severe punishment. He seems to have repelled the charge of any such conspiracy with indignation; and this, if Dr. W. had known the firm and invariable truth in which the boy had been admirably bred, and from which he never deviated while he lived, would have been enough: but the Doctor refused to believe him, and, apparently, from his own letters to his mother, denounced him to her. The injustice of the suspicion and the affront to his veracity of course stung very deeply his young mind, full of rectitude and sensitive to honour in all its best forms. He complains violently, in his letters to his mother, of the wrong done him; considers himself treated with a rash and brutal injustice; and appeals to her to say whether he had ever before been suspected of such offences, and then, when he purged himself of them, believed capable of falsehood? In a word, he reiterates his entreaties for permission to go elsewhere; reminds her that she had at first promised him that he should not stay, if not content; and protests that he can never be reconciled to the place or the people; that they suit him not at all.

We know not precisely, beyond the original motives which had determined this wise mother to send him thither, what reasons or what judgment upon his grievances led her to persist in keeping him there. Obviously, her purposes were not easily shaken—she withstood all his remonstrances, all his supplications, and the stronger pleadings of her own tenderness. Probably, sagacious as she was, she perfectly comprehended the advantage, for his future career, of exposing him to the very repugnances by which he suffered, and of training him out of them. She felt, perhaps, that the softening kindliness and equity of home, the daintiness of patrician breeding, the niceties of town nurture, were things not to be suffered to grow into fixed ideas, in one who was not to have a life of silk. Destined to make his way, not in saloons, but through all the roughness of a democracy, what was so fit as that her boy should taste betimes of its rudeness, its insolence, its injustice, learn to tolerate robustious ignorance, shake hands with uncouthness, and make friends with prejudice? Doubtless she remembered the tale in Grecian fable, and that sorrowful stream in which heroes were dipped, to make them invulnerable. At any event, like the goddess, she took her son by the heels, and held him in.

Careful, however, to preserve his affections and not to crush in him

that noble element, his pride, she took the gentlest means to her purposes. Unable to visit him in person, she seized the occasion of a journey of one of his uncles—a kinsman in whom she had great confidence—into that quarter; and contrived, through his intervention, to satisfy Hugh that he ought to remain where he was, until he should be in a condition to enter college—a term which his own exertions might abridge no little. At the same time, it is probable that the uncle's representations were used with Dr. Waddell, to bring about a better understanding, a juster mutual estimate, between the master and his pupil. Certain it is, that a pacification ensued, and that this ripened, before they parted, into such good will that Dr. W. began to utter predictions of Hugh's future eminence; while the latter formed for his teacher, in return, the respect to which he was really entitled; and, through life, recurred with gratitude to the influence of his lessons over the formation of his attainments. We know, besides, from himself, that the foundation of his large and rich Hellenistic studies, dated from this school; and his distinguished fellow-collegian, Mr. Preston,* informs us that he came from it to college, preceded by a boy-reputation the most brilliant, for abilities and acquirements. It is clear, therefore, that he had entirely vanquished, at Willington, the aversions of others and his own, had made his extraordinary merits felt by all, and had probably, by his rapidity of study, almost exhausted within about a year, all that the place itself could confer: for, as we have intimated, there was more exactness than erudition there, and more discipline than elegance.†

It would seem, from his letters to his mother during the earlier term

* In his Eulogy, pronounced at Charleston, in 1843.

† We have ourselves some recollection of the venerable head of this and of several other not a little famous schools. Indeed, we perhaps owe some transmitted obligations to Dr. Waddell, in the person of a father, the earliest graduate of the college, where, we believe, as tutor of Latin and Greek, Dr. W. first taught. It was that of Hampden Sydney, in Virginia.

A leading divine of the straitest of all sects, he had then (about 1829) much of its antique formality and air of being buckled-up in rigour and precision—looking such as Cotton Mather must have looked, or as Dr. Samuel Parr turned Presbyterian. In his customary canonicals of dress, manners and countenance, he seemed terribly the austere polemic and the fierce pedagogue; and, in that day of very limited scholarship, shone as a sort of Aristarch of the South. His humane attainments, if good for that era, were probably not considerable, or, at any event, rather grammatical than literary. Beneath his severity of aspect and pedantry of style, however, he bore a heart full of simplicity and kindliness, a sound understanding, a firm temper and great rectitude of character.

of his pupilage at Willington, that he was from the first far enough advanced to have joined the college class which he now, at the age of 14, entered. And thus his enforced stay and his entire progress at Dr. Waddell's, served to place him in easy command of all those studies, at which his fellows of the class were forced to toil, that they might barely comprehend, while he could exult in learning to excel. This ripeness for his studies, this amplitude of preparation, on which so much depend all the real fruits of a good college course, his mother's judgment and firmness had secured for him. It enabled him to go forward with an ease, that each day placed him farther in advance of his classmates, and led him on to each new subject with higher advantages.

Of the proficiency in study and the development of parts with which he came to matriculate at Columbia (the college of his State) in its lowest class, we cannot give any account so authentic as that of a biographer, the companion of part of his college life, the rival in brilliancy then and after of his reputation, and the associate of some of his travels and labours abroad.* "He entered college at the very early age of 14. His reputation having preceded him, he was, on his arrival, an object of curiosity and interest to the students; while, on his part, with boyish ingenuousness, he was not indisposed to exhibit his acquirements, nor backward in giving it to be understood, that he intended to run for the honours of his class. His previous attainments, the astonishing facility with which he added to them and the eager industry with which he threw himself upon his studies, gave him at once a lead which he maintained throughout his course, until he was graduated not only with the honours of college, but with a reputation in the State. He mainly devoted himself to the departments of Classical Literature and Philosophy; and he zealously engaged in the discussions of the debating societies, in order to practice himself in the art of speaking. These studies were a passion with him. His attention to the Exact Sciences, however, seemed to be stimulated, rather by an ambition and a sense of duty, than a particular inclination. His recitations in Mathematics, Chemistry and Natural Philosophy were always good—equal to the best in his class: but his heart was in the Classics."†

At the time of young Legaré's matriculation there (1814), the

* Ex-Senator William C. Preston, now President of the South-Carolina College:

† Preston, *Eulogy*.

Institution yet enjoyed a public favour, partly the just meed of the talents and learning with which it was originally constituted, and partly the gift of that sort of yet undiminished delight which the last popular novelty begets. In its very able and amiable first president, Dr. Maxcy, it possessed a chief of the studies and government, exceedingly fit to inspire a fine spirit as to both. Highly cultivated in the liberal arts, of excellent attainments in general Belles Lettres and in Philosophy, possessed of a fine native eloquence improved by taste method, he joined to such qualities the gentleness and simplicity of the scholar born and that fitness of manners breathing always the gentleman and the man of every humane propensity, which more than almost any other power commands the young, and which must give success to his present much more brilliant successor, of far more capacious mind and of personal qualities still more imposing as well as attractive.

Second to Dr Maxcy in length of service—of very inferior abilities—but really an excellent classical scholar and faithful, exact teacher, stood the professor of Philology, the Rev. Dr. Thomas Park. Like the president, a New-Englander,* but the most guileless and amiable of human beings, his indulgence of temper and simplicity of heart were such that, at recitations, a pupil had only to stumble, and Dr. P. instantly, from mere kindness, helped him up, or, by a little boy's adroitness, might easily be made to go through the whole lesson for him—the unsuspecting and singularly modest old man all the while unconscious of the manner in which he was played upon, of the smiles of his class, and of the fact that he seemed rather to be reciting to them than they to him. His attainments, as far as those of the most humble-minded and bashful man in the world could be known, seemed almost entirely confined to two subjects, the most sacred in his eyes—the Bible, with some theology, and the classics with their illustrative authors in antiquities, history and geography. His delight and skill in these latter, however, gave him the respect, as did his innocence of soul the affection, of pupils over whom he possessed no other source of authority.

We mention these, because they were the teachers who presided over Legaré's favorite pursuits, and because the books that one has

* Dr Maxcy—elder brother of the late envoy to Belgium, Virgil Maxcy, who was slain, with two Secretaries of Departments, by a certain gun called "the Peace-maker"—was of Rhode-Island, and brought from one of its colleges to direct that of South-Carolina. Dr. Park was, we believe, a Connecticut man, and of Yale.

read and the masters under whom he has studied form the history and explain the fortunes of his mind.

In aid of teachers so fit, the one to animate, the other to assist his own indomitable propensities, the Institution offered to Hugh another instrument of the finest knowledge—a library if not voluminous in its contents, yet choice in its composition, and particularly rich in its classical collection, in literature at large, and in history, ancient and modern.* To one like him, of a boundless ardour for the noblest studies, of parts and an application already taking the largest and most muscular proportions, and rapidly growing into a strenuousness fit to wrestle with whole libraries, such a collection was, of itself, almost enough for this stage of his life. With it alone he would have taught himself, almost as fast, every thing that lectures can impart. 'Tis but little. "Paul may plant, and Cephas may water; but it is only God that can give the increase." From the mere living, how small the part which such a man as Legaré would take! The best of them could only be to him an index and point him to higher, to real sources. Do colleges educate such men? They educate themselves. Ordinary people are educated; but genius must be its own instructor. He who learns no great deal more than professors can teach him is, after all, but a better sort of blockhead and a sufficient ignoramus. The degree, indeed, in which all real education is self-education—the glow, the impulse, the passion and the power to know, acting of itself—seems but little felt in this age of such imagined improvements in the art of instruction. Pity that men should grow worse scholars just in proportion to the improvement of erudition's helps! This is the era and these the helps of mediocrity and facility, that do nothing ill and nothing well. When all things come to be easy, great things cease to be performed. It might have been well or at least considerably more convenient for Mungo Park, could he have travelled through Africa in stage-coaches; but the fact would not then have rendered Mungo a great man. Children may be made to walk the sooner by the help of go-carts and leading-strings; which, however, enfeeble, just as much as they expedite the limbs. These

* It then embraced, probably, about 9,000 volumes—a moderate collection for an English country-gentleman, but, among us, the library of a State. By this time, it may contain 15,000 volumes. We knew it under the control of an Antiquarius, (as the Latins called a librarian) who published a catalogue in which vastly voluminous authors, named "Œuvres" and "Opera," figured greatly. Œuvres wrote Voltaire, Montesquieu, and most of the French books; Opera, Cicero, Plato, and the larger Latin and Greek works generally.

notions are not inappropriate to our subject: we should not set them down, however, if they were not those of him of whom we write.

It was here, then, for the first time, that our young student—groping no longer, with uncertain hand, in the mere school-room, after a scanty knowledge—came where, with every liberal aid and every light, it courted his grasp on all sides. It was the narrow task, the penurious illustration, the books already exhausted, no longer: a new world of thought was before him; and he hailed it with the joy of that warlike adventurer who, climbing the isthmus, first saw the South Seas beyond, and deemed all that deep his own.

Our allusion is no exaggerated one; for no breast of conqueror or world-finder ever knew a fervour of purpose or a rapture of hope stronger than the enthusiasm of letters and of all the noble things of which they may be made the instruments, that was now fast kindling up in poor Legaré. Heretofore, he had seemed merely the boy of fine capacity and inclinations: but now the instinct of what he was to be awoke in him; the dream of his young life took shape; the forms of every thing good and fair, that had flashed upon him intimations from his studies or his thoughts, grew palpable and waived him on to tread a career as yet unattempted in this country—of a preparation, the completest, brought to practical life in its most difficult pursuits; of mastering, by consummate labour, learning enough for a lifetime of erudition, accomplishments enough for a lifetime of leisure, and then turning all these to the aid of public performance. Such soon grew to be his conception; nor did he ever after relax in its execution.

It will naturally be supposed that nothing short of an ambition the most violent could have urged him to such a plan: yet we doubt if that was really the passion that ever led him on. We have said that, in after-life, his public successes seemed often to sadden him; nor did they ever appear eagerly sought. For even the distinctions at which he had legitimately arrived, he was never in haste: he was rather borne to them by his reputation than by any effort of his own competition. No man ever less possessed or less desired the art (Ambition's main tool) of availing himself of other men, of rising by contrivance. To deserve, and to be, if at all, by deserving, was evidently his only thought. And he who aspires in but this wise, let him reach as high as he may, if he can be said to be ambitious, is rather ambitious of merit than its reward, which chance and men may bestow or refuse. Another and a more antique passion, caught from more famous days and their genius, certainly animated him, however—that which taught

the Greek to prefer the laurel crown adjudged by his assembled nation, to power supreme or unbounded wealth—

> Glory, the reward
> That sole excites to high attempts—the flame
> Of most erected sp'rits, most tempered pure
> Ethereal, who all pleasures else despise,
> All treasures and all gain esteem as loss,
> And dignities and powers.

For this alone—to have left some lasting monument to human recollection, an action that would preserve his name grateful to other times, a book that might delight posterity—he asked no better than

> "To scorn delights and live laborious days."

This, indeed, as all knew who knew him well, was the spirit of the man: and with it there mixed two sentiments not a little sacred, one of them so secret as to disclose itself only to those nearest him—a profound and religious feeling (perhaps the offspring of his constitutional melancholy) of the nothingness of every thing but virtue and affection. A gloom often settled over him that frightened all vanity from its shadow, lulled mere ambition in rebuke, and stilled all aspirations but the most legitimate. The other sentiment, to which we allude, was that of a filial love the most pious and fond, which, while his mother lived, referred to her a great part of the pleasure of success; and, after her death, made each triumph a mourning for her whom it should have gladdened.

As to mere popular fame and the hour's notoriety; the perishable opinion that can hardly remember its own immortalities of last year; the oblivious glory which an obscure rout can confer; the idle admiration of an insensate crowd, the miscellaneous rabble of men, that extol they know not what and exalt they know not whom, just as one may lead another, or as the instant's cry may raise a particular name—the love of this sort of thing, however much it suffices for power or matches the ambition of democracies, was no feeling of Legaré's. Except so far as good men are pleased with the affection of many and so far as even the wise desire public favour that they may through it serve their kind, he was absolutely indifferent to every thing like a vulgar reputation, and cared not to live upon the tongues and be the talk of those, of whom to be dispraised is often the better commendation. He never earned and he never sought much of this fool-renown. No man possessing so much of the powers that sway the multitude ever exerted them less to draw it after him. Nor, indeed,

was he—though borne by his opinions and habits towards the reverence for authority, orders, and transmitted, historic greatness—much more the captive or the slave of the more splendid extremity of life, of aristocratic eminence: the men about him, in a word, the few or the many, the great or the small, drew but little the homage of a mind too large, too just, and measuring things around him too constantly by the ideas of the past and its broad greatness, to be dazzled by rank or success, any more than numbers. To shine in brilliant circles and to be the observed of their observers was clearly not his wish. In life, his associations were, from taste, few, and led him always, of preference, to a small and intimate body of friends, in whom his sympathies and affections found fellowship, rather than any vanity or interest its advantage. None of these characteristics—all of which are unquestionable—are those of ambition. We take his mind, in short, to have been of that rare cast which, when young, is kindled up by no definite aim or hope, but simply by its own love of what is fair and great. Such spirits are, in their immaturity, too apprehensive of what is admirable, of too profound a sensibility to the beautiful, for that self-enamourment which makes men ambitious betimes. Such glow at the genius of others and pant after its productions, when inferior men are thinking of their own. It is not direct aspiration, then, that leads them on, but the need, the *besoin* to nourish themselves with the food of greatness, its illustrious actions, its immortal thoughts, the knowledge which is its instrument, the art that must be its vehicle. A temper and a soul like this will, of course, with the growing consciousness of learning mastered and skill abtained, acquire an artificial ambition; but sedate, calm, high, self-judging, and even intent on the great past and future, not that petty link between them, the present. Their ambition then, when formed, is not that of momentary power or celebrity, but of something that shall equal them with all former times and carry them far into future ones. To write, if possible, his name upon his age and for his country was the longing of Legaré; and this is not ambition, but love of glory, of just and lasting praise. Certainly there was that about him, in personal intercourse, which might seem, to those who conceived him not, vanity. To have totally escaped its slighter influences over the manner was well-nigh impossible to one who had so much commanded admiration every where, from his very childhood. But they who knew him better knew that these apparent gleams of self-esteem were really little else than a part of his early tincture of antique feelings—of his Greek and Roman notion of the fitness and

fairness of encomium. To his friends, he sometimes talked of himself or of them, as if in the third person, as Cicero or Pliny or Horace do, with a classic ingenuousness. He had a pleasure in praising or being praised with discrimination and by those he loved. Indeed, apart from our modern coldness to such things, what can be fitter between friends than this communion of judgments, this mutual criticism, to fire each other's minds to the observing well? Yet, with all this, we have never known a successful writer less addicted to referring to his own performances, an orator less occupied with his own last speech, a scholar less addicted to the needless display of learning. Let us, however, resume the march of our narrative.

His college term of four years was of course one of prodigious toil and proficiency: for now the original vigor of his temperament was fast re-establishing itself from the severe shock in his childhood, and seemed only to be excited by the very labors which would have destroyed almost any body else. This extraordinary power of application, too, stood by him to the last, unexhausted by a life of study as incessant as is the utmost ardor or him who, at college, labors for manhood's first honor and hope, a degree. Except that remarkable scholar and man of science, Dr. Thomas Cooper, late president of the South-Carolina College, who, up to the age of near 80, kept up with all the progress of the chief sciences, with that of the main parts of literature, devoured the very novels of an age of trash, and read in short every thing, even to the congressional speeches and quantities of reviews and newspapers, we have never known any one of such vast intellectual activity. We need scarcely add that he filled himself with Latin and Greek, mastered a large body of history, and acquired, besides a sound knowledge of the physical sciences, a great amount of the best literature, poetry and eloquence, together with an acquaintance with the principles and history of those cognate arts of the imagination, painting, sculpture, and music, for which his natural taste was strong. Much he mastered as far as for the mere wholeness of a liberal education is necessary; of much he formed a solid basis for a future superstructure of knowledge; and in not a few subjects he had begun investigations, by and bye to be resumed, somewhat

> "As those who unripe veins in mines explore
> On the rich bed again the warm turf lay,
> 'Till time digests the yet imperfect ore,
> And know it will be gold another day."*

* *Dryden*, Annus Mirabilis.

To this vehement prosecution of the regular academic studies and of what could best elucidate, in voluntary research, his own favorite pursuits, he joined an assiduous cultivation of whatever could lead him to oratory as an art the most regular and finished. We need scarcely say that he resorted, as was always his first thought in whatever he undertook, at once to the great sources; that he put aside those false helps, rhetorical systems, the corruptors, not teachers, of eloquence, born of its decline and expediting it, as incapable of making the great speaker as the great poet or prosaist. He read with the minutest care the great ancient masters of harangue, the true models of persuasion; and with them he joined all that the historians and poets contain of eloquence in other forms. The great poets, perhaps, claimed and received, even more than the orators, his study, as affording, for all the purposes of oratory, resorts still more perfect—forms of discourse more animated, imaginative, energetic and affecting; much greater delicacy and grace as well as precision and force of diction; an infinitely greater command of language and its mechanism, of sound and its resources, than the most admirable prose compositions can furnish. He saw, in short, that for all the purposes of composition, in no matter what language, the poets must be mastered; that from their art must descend all the others that deal with the imagination and the senses. He perceived that oratory is little but poetry subdued to the business of civic life. He studied it, therefore, as a great and serious part of knowledge; first in the great epic and tragic writers of antiquity, and afterwards in those of his own tongue; from which he passed to that of the modern Latin dialects—French, Italian, Spanish, Portuguese and something of Provencal; with German, Low Dutch, and Romaic, later in life. In Ancient Letters, he possessed himself very perfectly, for all literary and historical or political purposes, of the Greek writers of all the latter age; of Homer learnedly, as infinitely the greatest of merely human wits and the main key to profane Antiquity; of the three great tragic poets, Pindar, and the lyric writers, accurately; of Aristophanes, as every way important, but especially in the elucidation of the worst period of the Athenian democracy. To these he joined the finer historians and above all Thucydides, whom he adored as far the profoundest and noblest of such authors, an able soldier, an admirable politician, an accomplished orator, and a writer unmatched in all the severe beauties of composition. Of the orators, we need scarcely speak; his singularly fine and original defence of the greatest of

them* sufficiently manifests his intimate knowledge of them all. Among the philosophers, he studied Plato and Aristotle most carefully; and, in a word, his Hellenistic scholarship, not spent upon philological niceties though far from neglecting them, was, for the mastery of what is most worth possessing in that language, very high indeed, such as is not easily found in Europe, and not at all approached by any body in this country. With the Latins, though less his delight, he was familiar in proportion Their poets, orators and annalists he knew thoroughly,† and of every thing that could illustrate the great system of jurisprudence with which Rome compensated her conquests, he by and bye possessed himself very completely.‡

French, as the modern tongue of most immediate necessity, he early learnt to speak and to write almost as purely as his own; however, very highly valuing, its more elegant literature,—except Molière, Boileau, La Fontaine, Montaigne, Rabelais and the older writers. He made himself well-versed in its historic authors, particularly its rich old Chroniclers; had dipped into its now-forgotten Romance, the chivalric and classic; and was duly read, as a part of his profession, in whatever it contains of valuable in jurisprudence and legislation at large.

As a tongue of richer and purer literature than any other modern one, Italian delighted him greatly. From Dante and Boccaccio, and Petrarch, he had read downwards through the long and bright line of poets and historians to Alfieri. The illustrious, the profound, the virtuous and patriotic, but ill-fated Machiavelli, who has painted so admirably the wise tyrant and his arts that the bitterest of satires has, ever since, out of Italy, passed for an encomium and a guide-book of the merciless and faithless despot, was one of his main favorites among books. His fondness for the fine arts found also its main gratification in Italian. Its music was the favorite solace of his ear, long accustomed to it in the tones and touch of a sister, much skilled in it and landscape painting—talents which his own taste, forbidden directly to cultivate, enjoyed greatly in her.

* See his elaborate tractate "On Demosthenes, the orator, the statesman and the man," originally produced in the "New-York Review."

† Witness his survey of them, in his criticism of Dunlop's History of Roman Legislation."

‡ See his essay on "Roman Legislation," and other scattered proofs of his learning in Civil Law and its sources.

Of German—entirely a later attainment, we must not speak, in this survey of attainments strongly founded at college. Nor need we pause to mention more of his Spanish than that he had explored its early historic and romantic literature; knew most of those whom the Curate (that admirable critic) in Don Quixotte hands not over to the secular arm of the barber and the house-keeper; had read, like Doña Inez herself,

"All Calderon and greater part of Lopé,"

and wrote and spoke the language with ease and correctness.

In his English, he had taken the same wide range as in his Greek, making himself thoroughly acquainted with its archaic poets, its early popular literature, and that wealth of antiquated forms, to which, or when the age of commonplace comes and letters like government decline through the multitude of those interfering, the skilful will return for fresher impressions and a diction that has not yet lost its power to please. He studied carefully the older authors, that wrote an unexhausted English—the sturdy, manly race that knew not of slip-slop—our old writers, that Pope knew, but Johnson did not—the forgotten poets and dramatists, Raleigh, Cowley, Clarendon, Milton, Jeremy Taylor, and the Parliament men of the times of the Commonwealth. Among all, however, his early and his incessant passion was Milton, whose verse he had read and repeated with a rapture always new, and whose prose he extolled as quite as much nobler than all other English as his poetry.

Such were the merely philologic and literary studies on which he thought it necessary to build that consummate art of eloquence to which he aspired, as the first gift under a popular government. Treatises, we have said, which set methods for that for which one has no material and (as generally used) teach an art as compends alone would teach history, he paid little attention to, knowing full well that he had something better than rules to put into him, in order to become an orator; and that when he had filled himself with the spirit of orators and poets, with knowledge and thought and passion, he should have arrived at not merely the artificial rule, but the sources from which it was drawn. When he had amassed ideas and images—something to write about and to give a purpose—something totally different from the senseless training of youths set at ornamenting a discourse before they can make its basis, sense—he practiced, assiduously, composition, without a thorough discipline in which a man can no more become an able speaker, than a great painter without having sketched for years,

We know not the fact directly, but it is certain that, with his strong poetic temperament and taste, he must have been led to the practice of versifying his thoughts and those of others. All who are strongly sensible to the charms of verse naturally attempt it; and Legaré, intent on every thing that could perfect him in the mechanism of thought and sound, cannot have failed to perceive that rhythmical composition, from its far more artful structure, the choice of expression which it compels, and above all the habit of compacter sense which it brings about, improves one's prose, just as dancing does one's walking. That he ever permitted a verse of his to be seen, beyond an epigram or two, we are not aware: but the sonorous management of his sentences makes it clear that he had addicted himself to metrical studies.

All these are the general studies of style: but besides, at this especial period of life, the attainment of a particular one is almost invariably attempted. In spite of the axiom, *Le style c'est l'homme*, men are so largely mere copyists of others, that they almost universally select a model, upon which they endeavour to fashion, as to manner, their own intellectual character. How many unhappy votaries of the effort to be, not one's-self, but another, has Swift made? How many victims, immolators of such little wit as God gave them, have fallen before the shrines of those false divinities, Junius and Dr. Johnson! 'Twould be deplorable to think of, but that, happily, it is of very little consequence how people write who have not enough in them to be themselves. Their ideas rarely give one any occasion to lament the feebleness of their expression. This mistake, Legaré, guided by the sure instinct of right study, evidently never committed. His taste sought too wide a range, and excellences too various, for him ever to sink into the shallow monomaniac of a single model, the cuckoo of one little borrowed strain. He saw that a man's style must be animated with his own entire individuality; and that it is what it should be, good or bad, just in proportion as it is the natural and adequate vehicle of the mode and hues of his intellectual and moral identity. He perceived that the imitation of a particular great writer might be useful, as a mere exercise; but chiefly either to correct some defect of one's own, or to form to one's-self a greater facility and plasticity. He felt that, instead of one, he must study all models; learn to command, in no small degree, all styles; and fuse them, in the glow of his mind, into the proper image of his own thoughts and feelings.

Along with all these things went, of course, the study of Declam-

tion, and, as we have seen, the practice of extemporaneous speaking, in one of those Debating Clubs which form a voluntary but an indispensable adjunct of the American Institution of Learning ; but which it only possesses in common with the school, the village, the town, and nearly every other community, learned or unlearned.

To him who has not formed elsewhere a just oratorical taste, there can be no worse school than these associations for debate. A few of that sort which, like Samson's bees, can gather honey from a carcass, may draw benefit from even these nurseries of disputatiousness and rant, which can teach little but faults to those who do not cultivate themselves abundantly in other methods: but in general this early practice of an art so difficult and needing so many well-managed auxiliaries can do little but to exhaust the fancy, corrupt the taste and fix the habit of giving to the smallest number of ideas the greatest number of words—a vice, accordingly, which the prevalence of these exercitations in wrangling and roar has rendered almost universal among us.

Yet the mere presence of an audience, the face of an adversary, the stir and the glow of performance in public, make of these exercises, for the student of eloquence, an important alternation with his solitary labours. They afforded to Legaré applications of what he had learnt, experiments of his own powers; and he no doubt profited by them. But the habitual use of dramatic reading and of giving voice, in his walks, to the most spirited compositions of the poets and orators stored in his memory, was to him a still better discipline of speech, always at his command, animating each lonely stroll with all the pleasures of music, and leading him, by the sort of vocal criticism which continual recitation produces, not merely to a nicer appreciation of admirable passages, but to the whole art of conveying passion or sense by the voice and the gesture. A temperament full of the profoundest sensibility and an ear true to all tones and ready to thrill with their effects, were seconded in him by a voice of extraordinary compass, sweetness and power, which, cultivated by and by with prodigious effort, became the most magnificent oratorical instrument to which we ever listened.

We have been told by a mutual intimate, his associate at college,*

* The late professor Henry Junius Nott, of the South-Carolina college; whose early death, Letters in the South lament, in common with the social affections, which few were so fit to awaken. A more estimable person, we have never known, and few of literary attainments more various and elegant. The gentleness, kindliness and probity of his character, his gay and easy humour, the amenity

that originally this matchless organ of his was weakly, harsh and inexpressive; and that he absolutely created it by training. We find, however, that—misled, probably, by the pubescence of voice through which Legaré was then passing—his fellow-student was mistaken. Great as was the labour which he bestowed upon it, his voice was naturally of fine quality:* so that the extraordinary cultivation which he gave to it was the suggestion of taste, rather than of necessity. Or, possibly, his need to vanquish, by extreme art, the ungraceful action of limbs injured by disease, compelled him to the chief part of those severe exercises of the Delivery to which he addicted himself. The practice of an easy and expressive gesture was necessarily associated with the exertion of his voice, to animate it. Certain it is that, for both purposes, he submitted himself, through several years, to every species of discipline that could correct his action or perfect his utterance. He declaimed to the winds and the waves; or pitched his tones to the murmur of the forest; or spoke in vaults, or lying stretched on the earth; or let loose the full force of his voice in lonely places. At home, in the country, where he felt himself more free, the servants would often call the attention of his mother and sisters to his resounding recitations, heard in the distance, probably in those matchless exercitations of sonorous and vehement elocution, the speeches of the Infernal council-chamber, in the second book of Paradise Lost.† In short, by the unwearied practice of much more than Demosthenian methods, he overcame every defect, he carried every natural advantage to the highest excellence. The powers of his voice—the mastery, at every

of mind that breathed itself over his conversation and his writings alike, endeared him singularly to his cultivated associates. He was a frequent contributor to the *Southern Review*—chiefly on subjects of Belles Lettres. As very happy specimens of agreeable learning, we may refer to his literary biographies of Wyttenbach and Parr, in that work. He was exceedingly loved by Legaré—only less than their common friend of still rarer merit, the admirable Petigru. Poor Nott perished with his wife (a Brussels lady, of much talent, whom he had married abroad) on his way home from a summer trip to the North, in the wreck of that unfortunate vessel, "built in the eclipse and rigged with curses dark," the Home; which went to pieces on Cape Hatteras. Though slight of body, he might have saved himself without much difficulty, could he have abandoned his wife, to rescue whom he sacrificed himself. Their bodies were driven ashore by the sea fast-locked in each other's arms.

* It was a hereditary gift in his mother's family.

† He delighted in every part of the great poet and champion of Civil and Religious Liberty, not Licence; but particularly in this magnificent satanic debate, and in the wild grandeur, energy and pity of the "Samson Agonistes." A pocket Milton was almost always one of his travelling companions, as he has told us.

pitch, of those tones, whether deep and low or of the most commanding force, or sharp and sudden, or flowing and easy, or rapid and overwhelming in the hurry of the passions—of the indefinable tone which, in each of these moods of sound appropriate to the feeling, seizes upon the senses and captivates the imagination—he developed to the utmost. His articulation became golden in its distinctness; his intonations, without any false or unmanly cadences that gave the idea of artifice, as pure and beautiful as those of Italian song. To this, alone, indeed, as a system of sound the most perfect, could his management of speech be likened. Thus trained, his voice became clear, musical, delicate, true in its minutest inflections; while, in its more vehement bursts, it grew capable of filling the air with its absolute thunders, to which we have often felt a large legislative hall tremble and ring. He conquered, in like manner, or contrived to hide, his bodily defects, so as to attain a command of gesture sufficient to second the beautiful recitative of his voice and the play of features highly oratorical even in the only part where they deviated from regularity—lips and mouth large, passionate and scornful: a countenance altogether striking and imposing, lighted up with high intellect and feeling, and fit to mirror all that eloquence can express.

To the traits of this part of his life, we have but to add some parting ones, of his college course. He had been admitted into college, on the 16th of January, 1812, after (it would appear from his letters) a very brief examination in Latin and Greek, so excellently met that the professors were speedily satisfied that they had gotten hold of a pupil who would justify to the full the strong recommendation of his respected instructor. He seems to have formed at once the highest admiration of the abilities and worth of the heads of the Institution, and of the ample advantages which it afforded. In the sudden command of such means of knowledge, he appears, for some time, to have in a manner rioted through his larger studies and been completely happy. But even in that cup of early intellectual enjoyment, some bitter mingles:* there are idlers, even among studious cells; dunces even amidst college shades; and they broke upon his hours and infested his rooms. To rid himself of them was to make himself unpopular, unless at the cost of shunning even congenial companions. Yet this he seems for some time to have done: for his letters of the first two years of residence describe to his mother and sister his habits as recluse, his feelings as of distaste for diversion

*——"Fonte de medio leporum
Surgit amari aliquid."

within the walls and for society without. He mentions, in his progress, the distribution of his time; of which about seven hours were given to his classes and recitations, eight to his own voluntary studies, two to meals and exercise, the rest to sleep. In his senior year, however, his labours themselves appear to have retrieved the popularity which they had compelled him to forfeit: the regular superiority of his performances, whether in the lecture-room or his society, drew to him a general admiration. He came to be considered, on all sides, among students as well as professors, a youth such as the college had perhaps never before contained. Contending with his fellow-pupils, not courting them, he rose to such esteem among them that they conferred upon him, unsought, the presidency of the literary society which he had joined: and when, upon occasion of his assuming the honour thus awarded, he pronounced an extemporaneous oration in praise of eloquence and its uses, he was hailed with universal delight, as having not only admirably explained the art, but singularly illustrated it in his own person. Towards the close of his course, and up to its last public effort as first graduate, applause and reputation the most extraordinary for such a period of life thickened upon him, and spread his name and the expectation of his future eminence all over his own and the neighbouring States.

Yet he had just been preceded by another, to whom nature had been signally lavish of many of the brilliant qualities that adorned Legaré, and especially of the hereditary gift* of eloquence and of the abilities for a high public part. These were set off by great advantages of manner and person, a natural charm of speech the most striking, accomplishments only inferior to Legaré's among all that have figured in our councils, a personal bearing singularly winning, honour, fidelity, political probity, public aims all elevated and generous. It was as the immediate successor of such a person that Legaré rose, at only eighteen, to this sort of celebrity. He had not only given, like the

* Mr. Preston is, by the maternal line, of the Henry family. Legaré and he, associated by like aims, though of unequal classes, formed a college friendship, for a while suspended by the return of the latter to his native State. It was, however, speedily restored by their common pursuit of improvement abroad, where similarity of studies again placed them together in Paris and at Edinburgh. Parting again, they again met in their professional and public career, appointed rivals of reputation, but dear friends, enjoying and aiding each the admiration showered upon the other. The contests of Nullification found them of opposite parties, but the same feelings; and Legaré's embassy once more placed them in different countries; but again to be united in the same cause, in the great civil struggle of 1837–40.

other, every early proof of capacity, but manifested the chief power, that carries all other powers to perfection—that of a labour which nothing can daunt, nothing can escape, and which teaches no subject nor no performance without improvement. Superior to the other only in this faculty—or rather, we should perhaps say, this vehemence of the impulse to whatever can give to the most vigorous faculties the utmost regularity and nobleness; scarcely his equal in the mere happiness of nature; he had yet made it felt on all hands that here was a genius that must achieve every thing which toil can accomplish for parts the finest, and eclipse at last all competitors.

He was graduated,* with the highest honours of the college, in the beginning of December, 1814. In spite of the continual applause which had been gathering upon him during the year, his reluctance to perform the leading part at commencement assigned him was extreme, and not to be vanquished until the President, and one of the Professors next in his confidence, had insisted that the oration which he submitted to them was far above his own estimate, and would do him the highest credit. At last his severe self-criticism and distrust yielded to these maturer judgments, and he delivered, with signal success, a discourse "On the influence of the imagination upon human happiness:" a subject to the choice of which he had been probably conducted by the fits of dejection and discouragement to which his own temperament of mixed ardour and melancholy exposed him.

Of the matured man, his intellect and his actions, the performances themselves are in a great degree the history. Illustrating, as nothing else can do, his mind and character when these, their plasticity ceasing, have hardened into a form and lineaments no more to change, they need but narrative enough to correct them; and all the rest may be left to the critic and the biographer. In our riper years, in a word, we write our own lives, brightly or obliviously according to the deeds and the thoughts which we have. Legaré did and would have done this in a very noble manner, and requires, therefore, but little elucidation. Thinking thus, we shall proceed rapidly over the greater part of his further career; while, on the contrary, we have chosen to dwell with some minuteness upon the tale of his youthful labours, told only as yet in their results. The admirable spirit that early fired him and

† A letter to his mother (10th Nov. 1814) supplies the order and names of those who shared the honours with him.

"The nomination is as follows: *Valedictory*, H. S. Legaré: *Salutatory*, Trescot: *Intermediate Orations* to Camak, Dupré, Campbell, T. Legaré, Haig (the last in French). The *Debate* to Maxwell, McComb and O'Brien.

gave such sure presage of greatness; all that might display the boy that rose into such a man like this; the process of his whole toil of self-formation; the difficulties which he surmounted, the methods which he employed, have seemed to us the part of his life to which we might best give space. As a public man, for public men, his story and his labours were already accessible: it was the boy and the student, for youths and scholars, that it had yet need to be written. In the men, indeed, who have shown as eminent, it is this earlier existence that we are most curious to know. 'Tis the more legendary part of their being—the fable, the poetry, the romance of greatness, and such to it as the Golden to the Historic Age; a time to the gladness and beauty of which we turn with pleasure from the Real; an era within which the imagination has play, and may call up more of its own. Perhaps our unconscious envy begets in us this fondness of knowing famous men in the least imposing aspect and of looking down upon them, as it were. Or it may be that, as even the least day-dreamy of us recur with delight to a sort of visionary memory of our own young day, its innocence and happiness, so, and through the same feelings, we love to look upon greatness through the golden light of youth.

He now returned to what was ever his favorite habitation—his mother's house in Charleston. To that cultivated city, the seat of all his boyish memories, of all those only local attachments which they of a temperament full of meditation and sensibility are sure to retain through life, he repaired, to form, between the studies which he was now to prosecute with increased ardour, the association with many loving and honouring such pursuits, and the occasional relaxation of a society, then (as probably yet) the most genial and elegant that we have ever known, a fresh affection for it, still fonder. It then joined to the intellectual refinement which but one of our cities* possesses in an equal degree, an easy hospitality, a spirit of society, and a gay and graceful amenity of the manners, which made it a still more agreeable abode. It was, indeed, and we imagine must still be the best-bred and (in an older sense of that word) the humanest town in all our country. Amidst its circles, Legaré found, for the first time, a lively congeniality with whatever a scholar's mind might seek for its recreation or in its repose. It 'grew at once the centre of his chief personal attachments and of his main desires of approval. To win its judgment and to be cherished by it became the more intimate and cordial thought of an ambition which, with him,

* Boston, of course is meant.

was always, more than half, of the heart. And as he referred the main personal gratification of his future successes to his mother, so did he to Charleston the principal delight of any public admiration. It came, in a word, to be the immediate idol of his public feelings, almost such, in his half-antique mind, as was the Greek city to its aspiring inhabitant—his lesser country, the object of a nearer patriotism than the wider and colder one beyond. The rest was duty; this, affection. Of this we shall have again to speak, in one of the most painful passages of his after life.

His profession had been already chosen, and his studies shaped towards it. He was now to enter upon its more technical acquirement. For this purpose, intent on mastering the science of the law before he mixed with its mere practical forms, he went not (as is usual) into an attorney's office, but sought a learned and skilful guide to jurisprudence in its largest and soundest principles, as a great historical and moral study. In his former tutor, Mr. Mitchell King, (now a teacher no longer, but a leading barrister of Charleston, as since of the State) he possessed a friend excellently qualified to direct and eager to assist him. Under his general supervision, therefore, he set about a course of wide and exact legal reading, which, relieved by the classics and literature at large, occupied the next three years of his life. His arrival at his 21st year found him, of course, amply qualified for admission to the Bar. He had formed, however, a worthier scheme than that of expiating, in the immature practice of five or six years of brieflessness, the haste in which our young men almost invariably are to be lawyers. Filled with the conception of what must not stop short of the noblest and completest attainments that study can confer, in countries where a severe erudition is brought to all the higher practical pursuits, he determined to finish his course and to perfect his liberal attainments abroad, partly among the great libraries and schools of the French capital, and partly in a German or British university. No meaner thought occupied him—nothing of the futile purposes which usually lead our youths of the *grand tour* abroad, or which alone, at any event, they often accomplish—to acquire a foreign air; to rid themselves of all indigenous sense; to unfit themselves, as much by what they learn as what they forget, for usefulness, distinction or happiness in their own country: to have marbles and canvases, masks and ballets and operas, actors and dancers, for their talk; to gather from guide books, ciceroni and valets-de-place their antiquarian or classic erudition; to expend still profounder researches upon the comparative merits of Tortoni, Véry, and the Ro-

cher de Cancal—upon the singing of Pasta, the fiddling of Paganini, the vintages of France or the Rhine, the clothes of Stultz or his rivals:* in a word, disabused of all taste for their own country, and bringing back, to compensate them for that sad loss of sympathies, little but what it is almost a shame to have learnt. To such young tourists, there could not be a more complete opposite of the aims than Legaré. Why go so far to come back a trifler, as if travel alone could make one that? With a keen relish for the pleasures of life, yet almost untasted; with youth and health in his veins; with an income sufficient to support him agreeably, if well-managed; he was of course to encounter the usual temptations of an European and especially a Parisian residence, its many appliances of pleasant idleness, its abundant habits of systematized sensuality: but other tastes still stronger, passions in him still more fervid, existed to defend him from yielding himself to more loose delights or the strenuous waste of being in a gay nothingness. Trained to self-command, he could taste without intoxication the cup of permitted pleasures, and even turn his very amusements into the means of serious and regular improvement.

In the latter part of the month of May, 1818, then, he embarked from Charleston to Bordeaux.† He himself describes his passage and something of his further plans, in his first letter from France; of which other parts also are worth copying, for the picture of his own peculiar character which they give, and the strong purposes of self-improvement which they express.

"*Bordeaux, 24th June*, 1818.

"My dear Mother:

"I hasten to communicate to you, by the first opportunity, the news of my safe arrival here.

"Our passage across the Atlantic was as delightful as could be desired. With the exception of some slight squalls and one thunder-storm, we had always fine weather. Indeed the whole voyage was more like a party of pleasure on some smooth lake than a transit over the great ocean. We arrived within the Garonne on the 34th day—

* See, for a perfect *Histoire générale des Voyages* of these young gentlemen, the description of the pupil, his suite and his exploits, in the *Dunciad*, book iv, line 293.

† On board a merchant-ship, apparently commanded by Captain Baar, for whom he formed a strong attachment, and whose worth and continued good offices he more than once mentions in his letters; announcing afterwards, from Edinburg, his death, of which he writes to Mrs. Legaré as a personal loss that had affected him much.

a pretty short passage, if a calm of one whole week, during which the ship made scarcely any progress, be (as it might in all reason) deducted.

"It is impossible for me to describe, my dear mother, the anguish with which I tore myself from you on the day of our separation, and which was so keenly renewed when I left the wharf and the harbour of Charleston. To realize such sensations, it is necessary for a man not only to be placed in the same situation, but to have the same turn of mind as myself. He must be violent, almost to madness in his passions; and must at the same time experience more than *one*. He must forget how to *hope*, and, while he aims at every thing that is exalted, must look for nothing but disappointment and mortification. In short, I am persuaded that such situations as mine was at that time, very rarely occur in the course of one's life: at least I wish to persuade myself so: it was a most dreadful conflict of opposite feelings that threw me into such a state of irresolution as must, if indulged, prove fatal to every generous undertaking.

"Well, it was impossible for me to change my nature; and I am not ashamed of the tears I shed: but I have reason to congratulate myself upon the constancy with which I adhered to my resolution. One of my objects—the restoration of my health and strength—has been, in a great measure, attained; or, at least, I have good reason to hope, will be attained before long: I am much better than I have been since I returned from the North; and there is no doubt that a little repose here, with good eating and drinking, etc., and afterwards my travels by land, will do still more for me. I may say the same of all my other objects. A glorious prospect is set open before me, and I, thank God! have spirits enough to think of availing myself of every advantage and realizing every hope.

"On Monday or Tuesday (the 29th or 30th June) I set off upon my journey to Paris, where I think of remaining until the latter end of September. I intend to *perfect* myself there in the French language—that is, to acquire the greatest facility and some degree of correctness in the use of it; for that is the whole force of the term "to perfect,"when we speak of making, within any given time, a progress in a language. Thence I proceed to the University of Göttingen, and so forth. But it is better to postpone for a further opportunity my account of these things, as I may see some reason, when I arrive at Paris, to alter my plans a little.

"As soon as I settle myself there,—that is, in a week or ten days, I will employ three teachers, who shall attend me at my lodgings

every day; an Italian, a scholar who is thoroughly versed in Latin and who will also assist me in French; and perhaps a Drawing-master. For I have already had cause to regret that I had not the use of the pencil, as I passed along those enchanting scenes that adorn the banks of the Garonne. In this last idea, however, I am by no means fixed; as I shall certainly not think of taking up with any new pursuit, unless I see it is perfectly consistent with my old ones."

He proceeds in the remainder of the letter, to speak of the agreeable manner of lodging and feeding in France; of his friend Captain Baar and the general love which he seems to enjoy in Bordeaux, though a foreigner, and of his own agreeable companion of the voyage, Dr. Raoul.

What immediate studies he sat about, we have already seen: for we have shown what he designed; and never did he fall short of any intellectual enterprize that he had proposed to himself. French he already possessed very perfectly, as a literary language; but spoke it (as we have known to happen in some other instances) in a style which, by its very purity—beyond that which any dialect has in mere conversation—marked the fact that it was not a native speech, but one formed almost entirely from books.* He had, therefore, only to accustom himself to the use of its more familiar and idiomatic diction—a task which of course cost him little. Italian, we believe, he had not yet attempted; but that, also, he mastered very thoroughly, during his sojourn in Paris. We ourselves happen to know the delight which he ever after took in it, as the richest and far the most beautiful of tongues, except the Greek, in its elegant literature. These languages we know, too, he had pursued—as he had done and continued to do others—not merely with the usual loose idea of obtaining access to the main mass of their authors, or still less for the variety of tongues: he was obviously guided by a far higher notion, and saw that languages, for the nobler purposes, were to be valued chiefly for the great books, the works of genius which they contained; and that he who does not bestow upon these a fond and thorough study can draw from the knowledge of a new dialect but an exceedingly common-place benefit, amounting to but little more than might be derived from translations. The immortal performances, then, in each body of

* Mr. Preston says, in his "Eulogy," "The precision and elegance with which he, even then, spoke the language, was the subject of frequent remark and compliment. A very accomplished lady said to him 'That he was only *too* Attic to be an Athenian.'" We need hardly remind our readers of the Greek anecdote to which she alluded.

literature, were his great object, that he might transfuse these into his mind, and ennoble and invigorate with them his own conceptions as an orator or an author. The positive information which they opened to him in definite pursuits; as Law or History or Politics—he of course did not fail to seize: but to their mere mediocrities—the world of books that make up the middle-class or the common-people of Letters in our modern libraries—he paid, on account of their merely being in a foreign dress, no more attention than if they had come to him in his vernacular. In a word, he knew the art of study, so little comprehended even among scholars themselves.

It will be recollected that the renewal of his literary studies of the Latin was also a part of his present plan of labour, though heretofore less his favorite than Greek. For the moment, as presently to be the vehicle of his proposed course of civil law, it was necessary that he should now prefer it. We know full well that already, amidst his three years' prosecution of the common law, he had, in its daily intervals, greatly enlarged and perfected his classical reading, passing from the mere academic methods of

> "What Gellius and Stobæus hashed before,
> Or chewed by blind old scholiasts o'er and o'er,"

to the more rare and elegant cultivation of the ancient languages.

But, consulting, for the time, his tastes, he had probably, except Cicero and a few others, occupied himself rather with the Greeks than the Latins. With what effect he now turned himself to the latter in especial will soon appear, in one of the incidents of his course at Edinburg.

Meanwhile, as we have already intimated, his very relaxations were turned to a system of continual self-improvement. Besides an occasional attendance upon the debates of the French Chambers, when an eminent speaker (Foy, Manuel, Chateaubriand or the like) was to be heard, the great libraries, the almost unequalled collections in art, and the theatres, dramatic and musical, supplied him amusements fruitful in the cultivation of his taste or the gratification of an enlightened curiosity Of this part of his studies (as they really were in no small degree) we possess an account from his accomplished friend (already more than once referred to) again his companion here; and as we cannot so authentically draw from any other source, we shall, as to Legaré's further pursuits in Paris and his residence at Edinburg, follow closely his fellow-student's narrative.*

* In the "Eulogy," by Mr. Preston.

The Louvre and other galleries of art furnished him a continual delight for an imagination already filled with glowing, if less distinct forms of the beautiful and the heroic. His sensibilities to whatever can, either in marble or upon canvass, give a visible shape to what poets or historians have told, were originally lively in the extreme and had been rendered still more passionate by the abundant images of art-like subjects and associations with which his mind was stored. The Louvre was still rich, though diminished, since 1818, of a large part of those Italian and Flemish treasures, the worthiest spoil of all that Napoleon had ravished, and which poor Ausonia at least prized beyond either the national independence which she had lost or the "republican institutions" which she had gained. Except the collections of the Vatican and of Florence, it was still the finest in Europe. 'Twas here, in part, that the most classical of all actors* had caught, from the animated works around him, action and majesty for the stage; and for Legaré's art it was capable of being equally a school. The more regular theatre, too,—maintained by governmental policy at such an excellence as might amuse into quiet a population always either fierce or frivolous,—offered him the study of the mimetic art, in great perfection He there could hear continually the unrivalled declamation of Talma and Duchesnois, the graceful ease and spirit of M'lle Mars' inimitable comedy. From these, when too weary with extreme application to make any serious effort of attention, he would turn to the minor theatres and shake with laughter over the gross farce of the Varieté's, the rich drollery of Potier, or the mummeries of the Vaudeville, much as, in our younger days, we have often seen the greatest of our chief justices† do, in the Richmond theatre, over vastly inferior performances. Like him in the simplicity of heart which beneath the austerest intellectual labours he preserved, and into which he loved at times to unbend, Legaré gave himself up to such amusements, when they came, with all the gladsomeness of a boy, or a rustic. Indeed, we have often seen him do the same thing, in an intimate and joyous society, where, unchecked by any presence of a fool or a stranger, he could abandon himself, among those of a congenial humour, to the completest gamesomeness. At such moments, the child-like glee and prank, that mixed and contrasted with his customary shyness and with the richness and loftiness of his understanding, were not less attractive and happy than was the play

* Talma, who studied the antique in particular, and often made his scenes and attitudes so many classic pictures.

† Judge Marshall.

of his mind, over its wide range of thought and allusion, brilliant, in more regular conversation. His talk, indeed, in whatever mood, was admirable.

While studying in Paris, he had leisure to decide, with the best information, upon the university at which he should prosecute his proposed course of jurisprudence, and finally determined upon Edinburg, instead of Gottingen, to which he had originally inclined. For the former place, then, apparently about the close of September, 1818, he quitted Paris. Taking London in his way, he was there (as his letters show) in October; but, Parliament not being in session, remained only long enough to survey the general objects of curiosity in that city, and passed on, by that border-land where his stalwart ancestry plied of old the spur, the lance, the battle-axe and the mace, to the ancient queen of Scottish cities, where now reigned Sir Walter, instead of a Bruce, and flourished Jeffrey and Leslie and Wilson and Brown and Playfair and Alison, instead of the tough chieftains of the olden time when that mighty Douglas surnamed Bell-the-cat thanked heaven that, besides his bishop-son Gawain, no child of his ever knew the alphabet.*

Here, he entered the classes of civil law, of natural philosophy, and of mathematics, over which presided Irving, Playfair and Leslie; becoming, also, a member of the private class of Dr. Murray, the distinguished lecturer on chemistry. Except upon the first of these, however, he tasked himself to no reading: having already passed over the ground in the others, he only desired to attend more masterly professors. His main labour was given to the civil law; and a further course of Italian literature formed his chief relaxation. Mr. Preston (his fellow-student there) says, "He gave three hours a day to Playfair, Leslie and Murray, in the lecture room. From eight to ten were devoted to Heineccius, Cujacius and Terrasson; side by side with whom lay upon his table Dante and Tasso, Guicciardini, Davila and Machiavelli" Assigning to the latter from two to four hours, we have him thus at his usual measure of some fifteen hours of daily study.

"To this mass of labour," continues Mr. Preston, "he addressed himself with a quiet diligence, sometimes animated into a sort of intellectual joy. On one occasion, he found himself at breakfast, Sunday morning, on the same seat where he had breakfasted the day

* The trait has no immediate authority except *Marmion*; but is quite in the spirit of the age to which Scott applies it.

before—not having quitted it meantime. Still, he made himself leisure for society and for an extensive correspondence with his friends.

"The professor of civil law, Mr. Irving," continues the same authority, "was a man of small talent and moderate learning in his department, although not without general erudition—as is shown in his life of Buchanan. He was, however, earnest and attentive. The business of the class-room was conducted in Latin—the only vestige of this ancient custom remaining in the university. The daily examinations were, of course, very much confined to the technical language of the text-books; so that when any thing occurred requiring a more copious vocabulary, the language, on the part of the student at least, was a very lame and imperfect latinity. It happened, once, while Mr. Legaré was under examination, that some difference of opinion arose between him and the professor, on the construction of a passage in the Institutes. Mr. Legaré maintained his opinion with warmth; and at length astonished the class and the professor, by the elegant facility of his diction aud the extent of his reading. Dr. Irving thought the character of the discussion such as to require from him a written exposition of the point in controversy, which he sent to a member of the class, a friend of Mr. Legaré."

Up to his Edinburg residence, he had probably but little designed to give their subsequent magnitude to his studies of the civil law, and had only sought such acquaintance with it as his learned curiosity suggested and his love of giving completeness to whatever knowledge formed an auxiliary part of his main pursuits. In his historical reading and in the occasional elucidations borrowed from it in his teachers of the common law, he had been only able to obtain distant glimpses of its possible utility: but now, in its wide and regular principles, the accumulation of such long-applied learning and ability, it rose upon his sight as a great and noble science, capable of being brought to enlighten, as had never yet been done, the narrower and more dogmatic methods of our inherited or native jurisprudence. Its exacter and more elegant vehicle and authors, and its close connection with his favorite bodies of literature and history served also, no doubt, greatly to allure him. It became henceforth, therefore, one of his regular studies, especially as mixing so much with another—that of law natural and national; and finally grew (as we shall see) to be one of his chief attainments, with a view to a very lofty and bold juridical purpose.

During his stay in Edinburg, he visited Glasgow, to hear the justly celebrated Dr. Chalmers. He was greatly struck with his abilities

as well as eloquence, and ever after looked on him as the first of the living orators of Europe. It was in Edinburg, too, that his first acquaintance, ripened afterwards into an intimate and permanent friendship, was formed with the accomplished and amiable American scholar, under whose roof and in whose arms he was destined to breathe his last.*

Of his letters during this particular period, but a single one, addressed to his mother and chiefly remarkable for the filial devotedness which it betokens, has come into our hands. Though touching not a little upon her private affairs, at the condition of which certain impressions in her letters (too strongly interrupted by his own proneness to despondency) had filled him with ill-grounded apprehensions, yet as marking his present purposes, plans and feelings to her from whom he never concealed a thought, it cannot be read without interest.

Edinburg, 15th Feb'y, 1819.

"I wrote you a letter, my dear mother, about a week ago, and had put it into the hands of Arthur Buist, to forward to his correspondent at Glasgow; but, as it was not yet sent, I had it in my power to withdraw it, upon receiving—as I have done with inexpressible pleasure to-day—your letter of the 29th November, enclosing one from Mary and accompanied by another from Mr. King. I say the receiving of them gave me great pleasure; for I had passed two whole months in that sort of sickness of the heart "which springeth from hope deferred," and especially when that hope relates to an object so deeply interesting as a letter from home to a poor solitary pilgrim in such a distant land.

"But the emotion, as it happened, was by no means unmixed: this little packet was sent me by Mr. Baar, Jr, from Bordeaux, enveloped in a letter of his own, announcing to me the melancholy tidings of his father's death; which happened the 26th of last month. I was, of course, deeply affected at it. He was, indeed, a most worthy man, and had behaved in the most friendly manner possible towards me. The event, besides, was quite unexpected; for I never saw any body at the age of sixty-four so fresh and vigorous as he was, or who promised so fair to live beyond three-score years and ten.

"This, however, was not the only circumstance that damped my spirits: in reading your letter, I thought I could discover a sort of

* Professor George Tichenor of Harvard; at whose country-house, in 1841, he received his appointment of Attorney General; and, at whose mansion in Boston, in 1843, by a singular coincidence, he expired, in his next visit,

despondency that was diffused throughout it. My dear mother, I should be very sorry—indeed could never forgive myself—if I thought that, by leaving home, I had exposed you to a return of the same troubles and embarrassments I found you in when I came from college. The whole happiness of my life is henceforth to make you happy. Nothing of my future prospects is of the least importance in my eyes, when compared with this paramount and holy duty. Alas! your whole life has been one series of the most noble struggles against all sorts of difficulties. A widow in mere youth, your property sinking every day in value, all prospect of external assistance precluded, a broken constitution and almost a broken heart—such was the weight that pressed upon you; sufficient, no doubt, to have crushed any ordinary constancy—but which only served to give additional energy to yours. You have, I venture to say it, you have most completely triumphed: for by far the most important business of life—the rearing up a promising family of children—has been done by you in a manner as perfect as possible in the present state of the country and quite miraculous when compared with your means. If vanity has any share in this avowal, I am not conscious of it: on the contrary, it is because I feel in all its vastness and sacredness the obligation I am under to you, and because I intend to make every effort to discharge it *as far as that is possible*, that I do not hesitate to confess it to you. Judge, then, what uneasiness it must occasion me to think I am the cause to you of any sacrifice either of fortune or repose.

"I now regret that I have said so much to you about travelling in Italy. As that would be quite inconsistent with the present state of your affairs, it will only serve to excite unavailing regrets to mention it. Besides, in the actual state of my own mind, I would not wish to do it; and I have come to a determination, upon reading your letter and that of Mr. King, to return home next fall. What I shall do in the mean time is not yet entirely decided; because other letters or circumstances may change my intentions, within the next six weeks. But if they do *not*, I propose to make, about the beginning of April, a short tour in the Highlands; and then return immediately to London where I shall spend a few days, in order to see Parliament in session, Richmond Hill, and a few other things which I had not time to visit when I was there in October. Then I will take a packet for Ostend or some other continental port, so as to travel through Holland and see some of its principal cities, on my way to Berlin or some other German university. There I shall spend May, June, July and August. I then take up my line of march back again to the Rhine,

travel up that river as far as Basil, make a little trip through Switzerland, and return, by way of Paris, to England. The last step will be to transport myself by packet to New-York, &c.

"This is, in all respects, the most profitable way I can devise of spending the rest of my time in Europe. By becoming a member of a literary institution in Germany, I shall of course get an insight into the character of that important empire—not to mention that, although the time I spend there will be extremely short, I do not despair of being able to add theirs to the languages I already know. Besides, theirs are the greatest—indeed, to a person of my age, the only *fit* schools in the branch of education that I am now particularly engaged upon. The advantages and the pleasures of the tour I intend to make afterwards are sufficiently obvious of themselves.

"During my short stay in Paris in the fall, I shall provide myself with a considerable stock of books, such as I shall need and as cannot be had in the United States—principally Latin law-treatises. They are astonishingly cheap there; and I shall never again have so good an opportunity of employing a small sum to a great advantage.

"I think it is not flattering myself, my dearest mother, to say that the coming to Europe has made me, in every respect, a better and—if I ought to use such a term when speaking of one who is so much inclined to melancholy—a *happier* man than I was. My longings will have been gratified; my restless disposition will have subsided into some sort of quiet—at least for a considerable time; and I have seen so much of the vanities of life, that I really believe I am beginning to be a little philosophical in practice, as I have always pretended, you know, to be in speculation. I have rid myself of some bad habits, and am in a fair way to overcome others—particularly that detestable one of swearing, that used to give you so much uneasiness. Besides all this, I have learnt to be *an American*, to feel an interest in my country, and to be proud of my privileges as one of its citizens. My ambition, too, (fine language for a philosopher) to make some figure in her history has been greatly excited of late; and I shall sit down to what is to be the business of my life, if not with the most hearty zeal possible, at least with a great deal of resignation and good will. Still, (I must not deny it) I feel my old hankering after quiet and solitary studies; and it will really be painful to me to bid adieu to them forever. This, I shall only find courage to do, by plunging myself at once into the midst of interests of an entirely different kind, and endeavoring to excite in me that spirit of competition, which does so well to supply the place of a real taste for what one is

engaged in. I believe, too, upon the whole that it is my true vocation; and the novelty of the thing itself will serve to keep up my ardor, for some time.

"I shall enter upon the study of the law and such others as are more intimately connected with it, as soon as I return. But, as it will not be necessary to go immediately into an attorney's office, I shall have the happiness of spending *one* more winter (it will be, without doubt the *last*) upon John's Island and endeavoring to set every thing to rights there. Alas! my dear mother, this brings your letter to my mind, and afflicts me beyond measure. I shall be the most unhappy of men, if your subsequent letters do not console me for the last. I have received my dear M's letter," &c.

The winter's course in Edinburg finished, he appears to have executed all but the German part of the plan sketched above. From that portion of his design he may have been deterred, as originally in Paris, by the disturbances with which "Young Germany" was then somewhat rife in the universities. The occurrence of one of these at Gottingen had probably had its share in deciding him to accompany his friend Preston to Edinburg. He may have felt, besides, that too much study is, like too little, an unsafe preparation for action; that to be the recluse of colleges, or immured all the while in vigils out of them, was to renounce one of the benefits of travel of which his past life had given him the greatest need; that lucubration would ever be in his power at home; but never again, perhaps, the opportunity of studying men and things, institutions and arts, where these have had their most permanent glory and yet retain their greatest eminence, and where the society itself, whatever its forms, is most luminous of all the knowledge he was seeking. He may have remembered the words of his favorite poet:

> "Consider,
> Thy life hath yet been private, most part spent
> At home, scarce viewed the Galilean towns
> And once a year Jerusalem, few days'
> Short sojourn; and what thence could'st thou observe?
> The world thou hast not seen, much less her glory,
> Empires and monarchs and their radiant courts,
> But school of best experience, quickest insight
> In all things that to greatest actions lead."*

At any event, it is certain that his remaining stay of near a twelvemonth in Europe was divided, not between academic and private study,

* *Paradise Regained*, Book III.

but between the latter and the survey of those things which he thought worthiest to be observed. After making the excursion in Scotland which he had designed, he passed into England, and visited its most interesting points, ending with London, where he remained a part of the summer. Thence he crossed once more to France, and occupied the autumn in seeing that country, Belgium, Holland, the Rhine, and the Alps. At the close of the year, he set out home; sailed to New-York; and thence made his way to Carolina over land, through Washington; where he made some stay, contracted many important acquaintances, and excited much attention by his fine parts and remarkable attainments. That might well happen, indeed, with one whom Edinburg, Paris and London had admired and caressed, as far as his more earnest pursuits allowed him to mix with their intellectual society. We do not believe that young travellers from this country ever excited such admiration as he and his friend Preston left behind them there.

Thus, in the earlier part of 1820, after an absence of near two years, he re-appeared in Charleston, with an education admirably complete, an experience greatly enlarged, and a reputation singular to have been achieved by one yet untried in active life. Few have ever been more fortunate in the personal or domestic impulses and aids that directed them on to knowledge; fewer still in its public or foreign opportunities; and no men had ever employed them all more nobly.

It was, then, not as the travelled exquisite, but as the returning scholar,—accomplished in the highest arts, as the able lawyer and statesman already largely formed, that he came from abroad. There, he had made no step but towards some well-chosen addition to his knowledge, the command of some fresh professional attainment, or of those purer and more vigorous parts of absolute learning and taste which he sought, not merely as accomplishments, but as graces scarcely less necessary than strength itself to that high career which he was preparing himself to tread. He returned to Charleston somewhat as Milo the wrestler might have done to the public games of Italy from the palæstra of Greece—not an effeminate wanderer, unnerved by foreign delights; but an athlete of skill almost as formidable as his strength was terrible.

His arrival was of course met with all that expectation of his friends and of the public which his reputed genius and his known habits abroad were fit to excite. Each gayer traveller, too, that came or wrote home, had been constantly marvelling at the progress

of his mind and announcing some acquirement mastered, some fresh one set about, the ardour and the skill with which his wide studies were pushed. It was felt, then, on all sides, that here was a man of rare natural powers so perfected by the severest discipline and animated with such vigorous purposes, as made certain his achievement of great things.

Instead, however, of pausing to enjoy, in the elegant circles of a city whose suffrage was so dear to him, the foretaste of that broader reputation which he must now have felt himself capable of grasping, he flung himself at once upon the filial duties that stood in his heart foremost of all things: he applied himself to retrieving his mother's affairs, suffering from the want of a more active management, than a lady, even the most efficient, can give to the operations of an agricultural property. With these cares, he immediately joined the renewal of his common law studies: for still, however amply qualified for the bar, he was in no haste to engage in practice, and chose to continue his legal reading, as long as he found it necessary to attend in person to the government of the patrimonial estate on John's Island; where (as he had so fondly promised himself in his letter from Edinburg) he now took up his abode with his mother and younger sister, as a planter for two years.

There, his personal worth, his talents felt in every thing, and the hereditary respect which his family enjoyed, obtained for him at the elections of that fall, the offer of a seat, in the State Legislature, from his parish.* His agricultural duties did not forbid the annual absence of a winter month: the charge itself placed him at once (to use a military phrase) in position for his destined course of life; the obtaining it implied no necessity of submitting to the annoyances of a canvass; and feelings on his own part answering to those of the constituency claimed his acquiescence in their wishes; so that he acceded, and was accordingly returned to the Lower House of the General Assembly of South-Carolina, for its biennial term, from 1820 to 1822.

We need scarcely say that his was not, upon a theatre like that in which he now assumed his part, the vulgar mistake of that sort of genius which—destitute of the great distinguishing gift of genius,

* That of John's Island and Wadmalaw. These ancient constituencies of lower Carolina, still formed chiefly of a population of planters, retain their old Episcopal designation of parishes. Their white population is small; their wealth considerable. They are looked on as rotten boroughs, by the political arithmeticians.

the instinct and the power of labour, that makes all other gifts tell—thinks that greatness has little else to do but *to shine;* and that to be soberly and even humbly useful in the entire body of public affairs is quite below its care and out of its vocation. Graced as he already was with all the power to please or to command in speech or by knowledge, he did not for one instant fancy that it was the first business of his future greatness to pour out the useless flood of an eloquence as yet unacquainted with the duties before it, and to be little better than a cascade of words, that shall flash idly to the sun, in a holiday display, and leave to streams less picturesque the care to grind the corn of public business. To the serious work of legislation or of that personal eminence which is to be won in it, eloquence can be only occasionally instrumental. Legaré began not, therefore, where others, considered for a while brilliant, not only begin, but end—by setting forward, *per saltum*, on the single foot of oratory, and holding up that other leg of silent application to details, on which a man must jointly go, if he would go far. In a word, he gave himself, first of all, to committee-work, to the preparation of business, to the mastering and shaping of particulars towards legislation—content to be felt in these, to become by practice a capable man, to be known among his associates and competitors as a useful man, before he set up to be a great one. Yet when, in matters to which experience had made him competent, the occasion offered itself of employing the powers which he had mastered, he of course did not shun it: so that, upon this liberal field, where intellectual resources could take their full scope, he early placed himself in the highest rank which one not a veteran in deliberative bodies, unskilled in their legitimate management, and utterly impatient of their mere tactics, can attain.

About the close of his term as the representative of this rural constituency,—that is to say towards the end of the year 1822—he ceased to be an inhabitant of John's Island. His professional preparation—already lengthened to a period of five years,—had become complete enough to satisfy him: to pursue the practice of the law, it was necessary that he should reside in Charleston: he could neither reconcile himself to a regular separation from his mother nor to the seeing her resume the difficult management of their common property: and a favorable opportunity presenting itself of disposing of their plantation on the Island, it was seized; and the family once more took up its old abode with him in Charleston, where, admitted now to the bar, he set to work as an advocate.

Here, in whatever of opportunity can well come to a junior lawyer at his mere outset, he at once took, by the richness and force of his oratorical powers, his ample command of the theoretic and historical parts of his profession, and the variety and splendor of his general attainments, an easy superiority over all rivalry of the young, and a high place in everything but what practice alone can give, among a bar numbering the strong veteran names of Petigru, King, Drayton, Hayne and Grimké.

In short, the very brilliancy with which our young jurist burst out from the first was, amidst the general suffrage of the better sort, abundantly attended with what he bore about him nothing else to provoke—that vulgar malignity of unworthy competitors, who, spiteful and many as they are puny, muster, like Lilliputians, against a Gulliver landed on their shores; dread in him the subverter of their pigmy empire; and rest not, intermit not their small annoyance, until they expel him from their island. 'Tis but the old history of bright parts: it was Sheridan's, before it was Legaré's.

Guileless in his entire character, simple but reserved in his manners, secluded by his tastes; destitute—even if he had not scorned them—of the arts of mere popularity, and without an idea of rising except by absolute merit, he opposed to this sort of cabal nothing but that which, if it vanquishes it at last, must get the better of it slowly—a calm constancy, a severe application to whatever business came, a steady attention to the completion of his technical knowledge. A very remarkable degree of reputation, he had at once created: but employment, which nothing but time can bring about at a bar thronged with competitors and in the possession of able and established pleaders such as we have mentioned, came slowly and (as we have said) with even serious impediments from those qualities as a speaker and a scholar, of which the very lustre often serves, without the aid of envy, to spread a common impression that he who shines in such bright things must be too fine and too lofty ever to make a skilful attorney. That sagacious thing, established opinion—sister to another of equal wit and liberality, which calls itself march of mind—has, in a word, fixed its standard of what the black-letter lawyer shall be permitted to know; insists upon punishing him who visibly exceeds it; and yields not its intelligent repugnance, except most slowly to the compulsion of a powerful will and high parts.

Yet the leading legal examples before the eyes of the crowd thus shutting or made to shut them to the professional merits of Legaré, were such as might have taught them a better judgment. Not onl-

was his singular ability recognized, among his compeers of the bar, by each much in the proportion as he had ability himself, but it should have been seen that the juridical eminence of the chief of them was almost precisely in the rate of his elegant attainments.

It will have been seen that, besides his admirable training in all the higher auxiliar arts and studies, Legaré had not chosen to appear in the tribunals until he had devoted—without reckoning his severity of application—some two or three or four times the usual space to direct preparation, aided by advantages of instruction as unusual. Sad must it be to have toiled, as he had done, perfectly to qualify one's-self, and then to find that the very fact of that toil and its noble but painful fruits creates a prejudice against one and condemns him to a tardier success. To him fervid with every lofty aspiration, enamoured of genuine greatness and filled not only with the original powers but the attainments that claim it as their due, there cannot well, we imagine, be any keener pang than to be forced to feel that, for him who has need of his times, nature has no more unhappy gift than that of genius, and art no greater curse than an education that places him beyond the sympathies and the ideas of the country in which he is to act. This sad disadvantage of an entire over-education came, we know, to be one of Legaré's most gloomy thoughts, in those periods of depression to which he was constitutionally subject. He saw that if, with nothing but his native strength, he had cast himself into the public arena, the powers he had shown would have been hailed with a much greater favour: that the crowd viewed him as it does some perfect work of the chisel, of which the severe and noble beauties are foreign to all its notions: that it is dangerous to be too superior, too unlike, to the common-place of men: that he had liberalized and elevated himself into what those, of whom he had the greatest need, rather wondered at than enjoyed: that in his lofty self-formation, he had too much dissociated himself from the public about him, risen too high above its ignorance, broken too much from its false and narrow ideas: that, in fine, it is happier and more profitable to be of a commoner cast, to share in some of the vulgar conceptions; for it is to a great extent upon these, and even with them that one must work; and since one must either have or feign them, the former is the better, as well as the easier. Indeed, the poor fellow had, rather unadvisedly, heaped up, in the treasury of his mind, ingots of rubies and diamonds and thousand-pound Bank of England notes; but not half-pence and farthings and small change for the commerce of the crowd and to go to market with. These he had yet to acquire.

His nature was, however, too firm as well as wise, to yield either to any alienation from his country or from his studies. Momentary fits of dejection might shake him: but his mind soon recovered its calm serenity, its confidence in his ultimate triumph over inferior things and momentary misconceptions. Perhaps the war of the unworthy upon him which we have glanced at only stimulated him to that study of which it made a reproach: the blockhead hostility was just fit to rouse him to the stronger vindication of learning and himself. He strove to make himself more practical and to attain all the necessary arts of his profession, that are worthy of it. Its greater arms, its ordnance (so to speak) he knew how to wield; the foin and fence of its lighter weapons, he made haste to learn, as it can only be learnt, in encounter. Grave, sincere, with an unconquerable love of rectitude, he depended on strength of reason and learning to convince, eloquence to persuade, and averse to the tricks by which a pannel is to be mis-led, was always fitter to plead before higher tribunals, unless in difficult cases, where every thing was to be decided by strict investigation, or where the passions were to be moved.

In this earlier part of his practice, while business, deterred by the suspicion of too much scholarship, came thin and sometimes rather as a benevolence, we remember with amusement the account which he gave us of the progress of that professional success, which none that knew him well ever doubted. "Sir," said he, "do you ask how I get along? Do you enquire what my trade brings me in? I will tell you. I have a variety of cases, and, by the bounty of Providence, sometimes get a fee: but in general, sir, I practice upon the old Roman plan; and, like Cicero's, my clients pay me what they like—that is, often, nothing at all."

Still, his general reputation being out of all proportion to its legal rewards, he was, during the first two years of his resumed residence in Charleston, chosen without solicitation, one of that city's representatives in the State Legislature. He accordingly re-appeared in that body in November, 1824, not again to quit it until, by its election, in 1830, he assumed the post of Attorney General of his State.

It was the first rise of that agitation, almost ever since tormenting his State and the Union, which Legaré met, at his return to the Legislature in 1824. The share which he bore in it, honorable as it was to his talents and his intentions, was rather that of the able speaker than of the busy actor. As to the main events, however, we need no more than glance at how the fight began, in 1824, with the famous Anti-Bank, Anti-Internal-Improvement and Anti-Tariff

Resolutions of Judge William Smith, the old leader of the Crawford party of South-Carolina, and of course the stiff State-Rights opponent of Mr. Calhoun, at whom was aimed this whole original movement. For the time, it was completely successful, and gave Judge Smith the party predominance of the State. That being his chief practical aim, the leader paused there; for, beyond the incidental effect of carrying back into popularity and restoring him to a seat in the Senate of the United States, he had not much idea of being logical, and of pushing to their legitimate consequences his own legislative declarations. He would, in a word, have had the matter go no farther; but he had set a stone rolling which was fated to crush him.

What followed, beyond these earlier marches and countermarches, we need not tell. In the earlier contest, Mr. Legaré had, in obedience to that general theory of the distributive powers of the several parts of this federative system which he through life retained, taken part with Judge Smith; but without any purpose of an ultimate remedy, such as Mr. Calhoun afterwards contrived to deduce from his adversary's own principles. Indeed, conservative in all his ideas of government, Legaré no sooner saw the conclusions to which Dr. Cooper and others were bent on driving the movement in which he himself had originally taken part, than he recoiled from that urgent and sharp form of civil controversy, which left, he thought, nothing to the general government but an alternative fatal to either its own or state authority—the alternative, or rather the dilemma, of subjugating or of being subjugated He had, in a word, considered not only warrantable, but highly proper, an opposition of quite a strong character to the governmental usurpations (as he thought them) against which were levelled the South-Carolina resolutions of 1824–5; but a direct conflict of state and federal authorities he looked on as incapable of being reduced into a state remedy, a constitutional, and least of all a peaceful resort. He eloquently and ably resisted, therefore, the movement of Nullification, as soon as it began to declare the purpose of resistance. The evil itself complained of, he thought was, (as all have since—except, perhaps, Mr. McDuffie—been brought to perceive) greatly exaggerated. At worst, he thought it must speedily yield to what he considered the great curative powers of our system, a little time and much discussion. Reasonable as all these opinions now appear, they were nevertheless, for the time, not those which long prevailed; and the majority with which he at first voted them, in 1828, passed within a few years after, into a minority.

Within the period, however, of Legaré's legislative career in his

own state, a literary episode intervened—that of his collaboration in an important politico-literary journal of the South.

As we have said, his general political theory was that of the South, State Rights and anti-consolidation; so that when, at the close of 1827, the idea of a literary organ of these opinions was started, under the form of a *Southern Review*, he lent it at once the zealous aid of his high scholarship and abilities; contributing to it, indeed, a large portion of the masterly articles which adorned it, and which won it, while it continued to exist, a more brilliant reputation than any like publication ever obtained in this country. On more than one occasion, nearly half the papers of the Review were of his composition; and his, (let it be recollected) was none of that shallow facility, born for the encouragement of the rag and paper trade, which writes fast in proportion as ill, and which need never stop, simply because it had no occasion to have begun.

Other powerful hands, however, upheld with him the honors of the Review—the various, the astute, the sententious Cooper, master of almost every part of science, of a great amount of literature, and giving life and force to every thing he touched, by the epigrammatic conciseness and liveliness of his style; the ingenious and able Elliott the elder; the curious and elegant skill of the accomplished and lamented Nott in literary antiquities and history; these, with the occasional efforts of the vehement McDuffie, of the rare legal ability and wit of Petigru, the mathematical analysis of Wallace, the heavy scholarship of Henry, with now and then a paper from more youthful or less marked contributors, whom we need not name, made up together an array of talent such as the South has never, on any other occasion, thrown upon any literary undertaking. Able and elegant writers, however, as those whom we have named were known to be, it was continually felt that the contributions of Mr. Legaré were, beyond all competition, the most brilliant that graced the work.

Among his papers in this periodical, those on classical subjects were marked with a richness and breadth of scholarship, which certainly no performances of their sort in this country have at all equalled. His defence of ancient learning against one of those (Mr. Thomas Grimké) who urged its banishment from education and the substitution of a less Pagan erudition in its place, was the first of these, and argued with as much dialectic force as classic enthusiasm. Papers equally elegant and erudite on Dunlop's "History of Roman Literature," on Featherstonhaugh's translation of Cicero "De Republica," on "the Public Economy of Athens," followed; and afterwards found

their learned and able sequel in papers on cognate subjects in the "New-York Review." With these in the Southern Review were a survey of Kent's "Commentaries," a critique of Hoffman's "Outlines of Legal Study," "Bentham and the Utilitarians," "Codification," "the Works of the great Chancellor D'Aguesseau," and a whole body of admirable articles in General Literature, the chief of which find their place in the present collection.

Agreeable as were to him these excitations of his taste and learning, he had felt, when zeal to uphold the honor of his State in this literary enterprise drew him to lend it his abilities, that these were, as to the severer purposes of life such as he had destined himself to, mere wanderings in the maze of fancy; that they occupied him too much, and must detain him too long. His growing legal reputation, and finally his advancement to the post of Attorney General of his State compelled him to cease his contributions. Even *with* them, the enterprize—managed by literary men only, as to its pecuniary and administrative part—had barely been able to live; and *without* them, it almost at once ceased to exist, though in the hands of—one destined soon to rise into a very superior person—the younger Stephen Elliott, now the learned and excellent Bishop of Georgia.

The post to which we have just said that Legaré was now, in 1830, advanced, was not only an eminent one for a lawyer so young, but made still more honorable by the fact that it was conferred upon him by a legislative body containing a majority of the excited political party which he opposed; and that it was given almost without a solicitation: a rare instance of the triumph of personal merit over party animosities. These, however, the candour, the amenity, the rightness of his own temper as a public man had scarcely permitted him to incur, among adversaries a great part of whom personally loved him, looked on him as one of the chief ornaments of the State, and knew that while there was nothing in her gift beyond his abilities, there was equally no employment in which all men themselves meaning well for the public service might not trust him, no matter with what temporary political faith connected. He at once justified this honorable confidence. The office presented him a field of distinction such as could no longer be disputed; and he at once displayed in it powers that placed him in the highest rank of those who had heretofore graced it.*

* In this and in the details that follow, as to the origin of his Belgian mission, we have preferred to adopt largely the testimony of Mr. Preston, who speaks of a personal knowledge not possessed by us.

"While he held it, he was carried, in the course of his profession, to argue a case of much expectation, at the bar of the Supreme Court, in Washington. His argument obtained the most flattering commendation from the members of that high court, and especially from that illustrious sage, who yet shed his glory upon it, and never spoke but from the impulses of a heart warmed only by what was great and good, and the dictates of a judgment which was never clouded. Such was the extraordinary success of the effort that it became the subject of conversation in the circles of Washington, and procured for him the most flattering attentions from Mr. Livingston, then Secretary of State, who had been struck with the general merits of the argument, as detailed to him by a member of the court, but was more interested by the unusual display of civil law erudition, being a branch of learning to which he himself was much devoted, and in which he had made great proficiency. This accidental contact, by congeniality of tastes, habits of thought and intellectual occupations, rapidly ripened into an intimacy, which exercised a decided influence upon the subsequent course of life and purposes of Mr. Legaré.

"The profession of law had, about this time, partly from the political condition of the country, and partly from his brilliant success in it, begun to rise in his mind from a secondary to a primary object; and his growing admiration of the civil law was augmented by each successive advance of knowledge, and greatly stimulated by the exhortations of Mr. Livingston, that he should prosecute the study of it for great national purposes.

"Mr. Livingston thought, and subsequent reflection and study brought Mr. Legaré to the same conclusion, that it was practicable and desirable to infuse a larger portion of the spirit and philosophy of the civil law, and even of its forms and process, into our system of jurisprudence. The peculiar condition of our country, in which so much is new, and such essential modifications of pre-existing systems necessary, seemed to be adapted to the introduction of an eclectic system of municipal law. Our political institutions, our republican habits, and even our physical condition, have forced upon us great changes in the system of common law, and seem to open the way for further alterations, with less difficulty and danger than would attend such an attempt in England. There, the noble and venerable system exists; as a whole, interfused into the universal fabric of society, compacted and connected with the whole moral mass, with so entire a consubstantiation, that the attempt to derange it, or essentially

to modify it, would be characterized by rashness, and fraught with danger.

"And, indeed, when we consider the common law in its minute adjustments and comprehensive outlines, how scrupulous of right, and how instinct with liberty—how elastic and capacious to expand itself over the complicated transactions of the highest civilization, yet strong and rigid to bend down within its orbit the most audacious power; when we consider all the miracles that have been wrought by its spirit, from Alfred to Victoria, we cannot but regard it with love and veneration.

"It is true also, of the other system, that it is a stupendous embodiment of the wisdom of ages, arranged in an admirable method, and pervaded throughout by a philosophical spirit, which combines all its parts, and harmonizes all its dependencies into a beautiful identity. As each is the result of the thought and experience of the wise of many ages—the difference between them, has, perhaps, arisen from the different manner in which the wisdom of those who made them has been brought into action. The one has been the result of philosophical speculation and closest study of what is right and fit: the other is the successive judgments of equally wise men, pronounced upon real cases, under public responsibility, after discussion, stimulated by private reward and the ambition of public applause. Whatever advantages our system might be supposed to possess in the aggregrate, Mr. Legaré determined upon a diligent and extended prosecution of the study of the civil law, that he might distinctly understand what, if any portion could be advantageously adopted—and he came to the conclusion, after several years of severe application, that much might be effected.

There were few among us fitter than Mr. Livingston to estimate the admirable studies of Legaré towards this lofty conception of his; and, struck with the greatness of the idea and the singular capacity of the man to execute it, he devised and at once offered the means:—a diplomatic mission which should place him, for some years, in the very centre of this great department of legal science: he tendered him the station of American Chargé d'Affaires, at the minor but most agreeable court of Brussels. The gloomy aspect of affairs in his own State—where now (in 1832) was manifestly approaching one of those civil contests in which no party or both parties must be greatly in fault, and the good and wise scarcely know what views to form—concurred with the peculiar labor which he proposed to himself; and he accepted the station.

Thither, then, he at once repaired, as to a charge the easy duties of which replaced him amid the delights of European scholarship, with a dignity that gave him access everywhere, and with leisure to turn that access to account. Already intimately versed in the noble study of National Law; rich in the historic lore which is its basis and commanding nearly all the diplomatic tongues of Europe, he needed nothing, except some little practice in the routine and ceremonial of his place, to be the most accomplished Minister that we have ever sent abroad—a praise by the by, which is rapidly growing to be an exceedingly inconsiderable one. His public functions sat lightly on him at a Court with which our National relations are usually commercial rather than political. Voluntarily, he is known to have addressed to his government a very masterly series (part of which is given in this collection) of regular reports embracing a continual survey of all the main movements of European policy. Placed, however, with a large command of his time, in the midst of a country where learning has always flourished, where great and ancient libraries have been accumulated; Paris within easy reach, Gottingen at hand, Berlin not far off, and the learned bodies of Northern Germany (the most erudite country in the world) ready to lend him their vast stores, he flung himself afresh into study, with all the ardor of a scholar whom no amount of toil could tame, and with a genius strong enough to take any load of knowledge on its back and walk lightly under it. Heretofore he had chiefly cultivated, as to literature that of the classic tongues and of the languages of Southern Europe—dialects of which the sweetness and their wealth in elegant letters drew his preference: now, however, he fell upon German, with which his acquaintance was slight—determined to master that empire of learning which its writers may be said to form of themselves. This, with the acquisition of Low Dutch and (to round off his Greek,) Romaic, made up the main philologic occupations of his second stay abroad, from which he returned in especial a thorough German scholar. That other part of his residence, which he dedicated, (as he had designed,) to a fresh course of Ancient Jurisprudence and of Roman and Civil law, was given to the science under perhaps the greatest ornament it has ever possessed—the illustrious Savigny—of whose extraordinary learning and abilities he has often told us with such delight, that, amid his enthusiasm, he would even forget how little *we* were in a condition to take lessons of the great master, and would lament that we had not yet heard his lectures."

Of the portion of his life formed by this Belgian residence, the

papers now published (his journals, letters, and a part of his despatches) afford an unstudied autobiography, highly agreeable and striking, which flings us, with all the distinctness of a mirror, the moral and intellectual lineament, the feelings, the avocations, the purposes, the personal intercourses, of which our imperfect account makes but the shadow. These unguarded personal records are but little more than enough to teach one to lament that so small a proportion of his communications with his friends has yet been yielded up to the public curiosity. At least however, exhibiting the faithful picture of four years of his life, they will serve to show that our sketch of the rest is a truthful conception, however inadequate the delineation. His shining and his attractive qualities; the vigor of his parts and the extent of his learning; the masculine purposes of his mind, the simplicity and lovingness of heart; his lofty power of continuous labor and the gladsomeness with which he gave himself to congenial society; the solid and severe cast of his understanding and yet the poetic ray that breaks through, in spite of him, like lights through the close pillars of some perfect Grecian pile; these, his probity public and private, his vigils, and his amusements, the singular esteem of scholars and courtiers alike which he so obviously won, his great aspirations and the frequent and profound gloom which haunted him, without however, casting one shade of bitterness upon his intercourse with others—all these must be seen in the surviving memorials of this period. To them we trust that readers will turn; and from them supply in fancy all that would have been equally delightful in the rest of his life, could we have commanded like remains, animated with himself, that would have only needed a slender thread of narrative to connect them, or an occasional annotation to elucidate. But while such things as these tell their own story, and while the greater public labors through which Legaré was afterwards to pass remain upon the general memory of his co-temporaries, his oratorical performances, his literary and his professional labors, and, above all, the long and silent toil of self-formation, from which flowed all the rest, needed, as they merited, a commemoration that should make them an example and a guide.

The reputation of his singular abilities, attainments, and personal worth—always sure to confirm themselves on acquaintance—had preceded him abroad; so that, when he passed through the French capital, its able sovereign manifested to our Minister, Mr. Rives, a special desire to know him. He was accordingly presented; and made upon the monarch a very advantageous impression; which

was no doubt transmitted to his son-in-law, the prince near whom he was to represent us. Certain it is that he was received with great kindness and speedily secured, in a very high degree, the personal confidence and regard of Leopold and his queen. Abundant proofs of the pleasure which they took in his society may be found in the notes of his private journal kept at Brussels. But a token of the affection (so rare in royal bosoms,) in which he continued to be held there, reached his friends, through our government, when he was no more. During Leopold's visit to England, in the summer of 1843, our resident, Mr. Everett, was charged by him with a particular message for Mr. Legaré to say that not only did they continue to remember and to esteem, but sincerely to love him. He clearly appears to have enjoyed, on the part of the diplomatic body there and the ministry, a deference constantly marked, and indeed but such as must have been yielded him, at any court in Europe, as one of its most superior men. We have reason to know, too, from other sources, that his accomplishments and worth are yet recollected and regretted in Brussels.

Amidst the crowd of enlightened remarks or incidents agreeably told in these letters and journals, the diary will be found to contain many affecting traces of his peculiar habits and feelings—the records of his studies,—of his unwearied longings for home,—of the visits of that blacker melancholy which, rising up from organic causes, so often darkened his blameless life—and perhaps the indistinct stirrings of some gentler feeling, which prudence bade him repress. The notes of his studies are but a slight part of the memoranda of that sort which he had, from his boyhood, habitually kept. Whether he had early read Gibbon and been struck with his method, as he was certainly fired by his example, we know not; but among his earliest MSS. is found a regular diary and analysis of the books he read; and such abstracts of each day's labours and of the methodizing and partition of his time, he continued to multiply, until, probably, the excess of business no longer permitted it, even to his invincible diligence.

Towards the close of his stay in Belgium, he received from his own State an invitation to place himself at the head of an effort set on foot there, by all its leading men, to revive the extinct Review, of which he had been the main support, while it lasted. In this view, very liberal offers were made him by a state society formed with this for one of its main purposes. He refused it, however; for he had by this time gone far in the great professional object for which he had

come abroad; was bent on that as the main aim of his future life; had resolved to mix in politics only so far as the influence and celebrity achieved in these might assist him towards the other higher and more solid purpose; and had especially decided that, in an age of Bozzes and Benthams, of novels and utility, pure letters and true learning were, particularly in his own country, the saddest of all pursuits. Under the same general persuasion, he had already discouraged the intimations of his friends that, if he desired it, the State would gladly have him at the head of her college. A like overture was made him, some few years later, on the part of the State-establishment of Kentucky, and was equally declined. Four years of admirable study and observation abroad had now, however, prepared him for a new and a greater career; and in the summer of 1836, he took his measures for returning home. That autumn, he made an excursion among the seats of learning in Northern Germany: a tour of which a succinct but highly interesting journal is preserved among the papers now given. That parting look taken at European erudition, he bade farewell to Brussels, and set out home.

In New-York, at his landing, he was met by the instances of his friends to allow himself to be put in nomination to Congress for the Charleston district. He received the cordial support of his own old political friends, and with it the suffrage of the better part of the Carolina opposition, who knew him worthy of that which can alone render a man safe, but is now so little consulted in public affairs,—a complete personal confidence in his rectitude and his abilities. At his arrival in Charleston, therefore, he had little to do but to speak a speech, and to be elected a member of the new Congress that was to come in with the accession of Mr. Van Buren, in the following March. He went in as of that leader's friends in general; but not as of his indiscriminate followers.

To his friends, among whom he now passed some time in re-familiarizing himself with the state of things throughout the country—for four years, seen but indistinctly from abroad—his character and his mind now offered themselves in aspects much more imposing than before. He had greatly ripened not merely his intellect, but the qualities which incessant study scarcely permits to form themselves—his knowledge of affairs and men such as they will (not should) be; his fitness for practice; the great gifts of common sense and of personal judgment, without which all others are nearly vain. He had gone an able man; he came back a very wise one: but still not wise (as men so generally become) at the expense of diminished feeling

or ingenuousness. He had only learned better to conduct them. He had not learnt that saddest of all lessons, to disbelieve in the virtue of others—which when we do, all our own is gone: but he had learnt to distinguish and to know how far to trust either others or himself.

In the month of September following, he took his seat in Congress, at the extra session, called by the new administration, to deliberate on the measures necessary to remedy the wide and terrible financial disasters which an unwise tampering with the currency had brought about. In the debates that ensued, his principal speech was, for the wide and high views which it took of our financial condition, the solid yet comprehensive manner in which he treated the subject, the variety and nobleness of knowledge with which he illustrated it, and the force as well as splendor of his entire discourse, felt to be a truly masterly effort, fit to rank him among the very greatest speakers of the day. It placed him, too, openly in the opposition, as of that seceding portion of the old Jackson party who, against the financial policy of the hard-money men, took the name of Conservatives—a mode of opinion to which we have already intimated the mind and feelings of Mr. Legaré tended in general.

Brilliant, however, as was the figure which he made throughout that Congress on all questions in which he took part—except, perhaps, that of the contested Mississippi election, where he certainly got upon the wrong side—he was thrown out at the next election, by the coalition which had in the meantime ensued in Carolina between the Calhoun and the Van Buren parties.

After this, Mr. Legaré determined to devote himself entirely to his profession; and he at once put on all its harness. He was immediately engaged in several of the great causes depending in the courts of South-Carolina. The first of any magnitude which he argued was in conjunction with his friend Mr. Petigru, and was one, not only affecting in its incidents, but singularly calculated to call forth his legal strength and learning. It was the case of *Pell and wife* versus *The Executors of Ball.* The circumstances of the case were these: A Miss Channing, daughter of Mr. Walter Channing, (a merchant of Boston,) had married a Mr. Ball of South-Carolina, and carried him a large fortune without any settlement. Mr. Ball, by his last will and testament, bequeathed to his wife all of this fortune. Embarking, at Charleston for a visit to the north, on board the ill-fated steamboat Pulaski, which blew up at sea, on the coast of North-Carolina, in 1835, they both perished in that awful catastrophe. The question in the cause was, which survived the other: if Mrs. Ball

then the legacy vested in her, and was transmissible to her sisters; if her husband, then the legacy had lapsed, fell into the residue of the estate, and went to his family.

Mr. Legaré was engaged on behalf of Mrs. Ball's sisters. On the one side, it was contended that the husband, being the stronger, must have survived; and the doctrines of the civil law on the subject of survivorship were relied on. Here, however, Legaré was a master and showed that all these presumptions must yield to positive testimony. After the catastrophe, Mrs. Ball was seen flying wildly about the wreck, her voice heard above all others, calling for her husband. Availing himself of this single but affecting fact—all that, in the wild terror of such a scene could be known—Legaré converted it, by the tragic powers of his eloquence, into an irresistible proof that the tender husband, whose name the wife shrieked forth so distractedly, must have already perished. Upon the narrow theatre of that shattered deck, there was enacted, he said, a scene to paint which all that the imagination or poetry could invent of the most pathetic must fail. "She called upon the husband upon whom she had never before called in vain—upon whose arm she had ever leaned in danger—her stay, her rescue! She called—but he never answered:—no, sir, he was dead! he was dead!"

Mrs. Ball's sisters gained the suit, as also another point in the case which he argued—that the legacy was general, and not specific.

He was also engaged in another of the great cases of the Charleston Circuit—(Cruger *versus* Daniel)—respecting a plantation on Savannah river. Here his skill as a real-estate lawyer shone conspicuously, and here he was again successful. There was another case—(of ejectment, Talvande *vs.* Talvande)—a notice of which is worth preserving, from an incident in the course of the trial. The late Bishop England had written an affecting sketch of the life of Madame Talvande, the defendant, and given it to Mr. Legaré. In the course of his argument to the jury, Mr. Legaré read this sketch with so much pathos that the good Bishop could not refrain from shedding copious tears. Familiar as he was with the facts, and though the composition was his own, the hearing Mr. Legaré read it, moved profoundly him who had been unaffected in writing it. Madame Talvande gained her case.

The increasing celebrity which these and other ably conducted causes won him, and the strong growth of his professional success, did not withhold him from taking active part in the canvass which brought about the great party revolution of 1840. To this he lent, in

various parts of the country, the aid of his commanding eloquence, than which nothing could be fitter, either to direct the public reason by its weight, or to rouse the popular passions by its vehemence. His harangue at Richmond will be long remembered, on that theatre where Webster, about the same time, girded up his loins to win a Southern reputation, and where Clay has more than once tasked himself. Legaré is remembered there as possibly a more extraordinary speaker than either, so far as could be judged from a single effort. To the same period belongs his magnificent speech in the city of New-York, in which he drew the most masterly picture ever sketched of the arts of demagogues and of the disastrous passions with which they fill the multitude. For truth, for force, and the picture-like distinctness with which this long and admirable passage was worked up, it would be difficult to find in modern oratory any thing finer.

About the same time, to indulge the reverence in which he held him whom he had learned to esteem the first statesman, as well as the first orator of antiquity, he flung into the New-York Review an admirable article on "Demosthenes, the man, the orator, and the statesman." A second, on the "Athenian Democracy," formed its companion and complement. In a third, he gave, upon a yet more favorite subject, a still more elaborate paper—a survey of the "origin, history and influence of the Roman Law."

In the next year, the resignation of the original Harrison cabinet led to the selection of Mr. Legaré for the Attorney Generalship of the United States. Of the circumstances under which he received it, and the manner in which he discharged its duties, we can call up again distinguished testimony—that of one who personally knows the facts which he affirms—Mr. Preston. He says:

"When he was called to the office of Attorney General, there was an universal acquiescence in the propriety of the appointment. It was given to no intrigue, no solicitation, no party services, but conferred upon a fit man for the public good. It was precisely that office for which Mr. Legaré was most ambitious. He had endeavored to qualify himself for it. He thought himself not unworthy of it, and he desired it as a means of effecting, to some extent, his great object in regard to ameliorations in the jurisprudence of the country—and as a means of placing him eventually on the bench of the Supreme Court, where he would be able still farther to develop and establish his plan of reform. His practice as Attorney General was attended with the most conspicuous success. Many of the judges expressed their great admiration of his efforts during the first ter

and the whole bench awarded to him the palm of exalted merit. His official opinions, delivered on questions arising in the administration of government, were formed with laborious deliberation, clearly and ably argued, and have been sustained without exception. On the very important question—whether upon the expiration of the compromise act, there was any law for the farther collection of revenue, he differed from a great majority of the bar, and from most of the leading politicians in Congress, of both parties—it was supposed, too, from a majority of the Cabinet—but his opinion has been ascertained to be correct."

The fame which this eminent man chiefly sought—the fame for which he had ever sought the attainments that drew him a different reputation—was wisely that of his profession. A few notices, then, of the chief causes which he argued after he came to the Attorney Generalship, and we shall close this imperfect memorial of his merits and of our affection.

It was in September, 1841, that he took office. In the January following met the Supreme Court, before which he was now to appear in a character such as made it to him a new arena. The first case that he took up was that of *Watkins* vs. *Holman's Heirs*, reported in 16 Peters; a case that had been agued in the previous term, but which the judges had ordered to be heard a second time. A gentleman who walked up to the capitol with him, on the morning when he spoke, tells us that Legaré said to him: "It has been said that I am a mere literary man; but I will show them to-day whether I am a lawyer or not." The question was one to call for all his strength, and well did he sustain the expectations of his friends; for a greater argument was never made in the Supreme Court. The question involved the right to property of great value in the city of Mobile. Holman, at the time of his death, owned this property. His widow took out letters of administration in Massachusetts, and, acting under them, procured an act of the Legislature of Alabama to sell this real estate for the payment of his debts. The property had been accordingly sold, and streets and houses had been made and built on it. The heirs of Holman now brought an action of ejectment against the purchasers, on the ground that the act of the Legislature was unconstitutional and void, as being an interference with the judicial power—the legislative and judicial power being distinct in the Constitution of that State. Mr. Legaré maintained the constitutionality of the act, and that this was a mere advancement of the remedy. The Court sustained this view of the case.

At the same term, he argued another private case—*Hobby* vs. *Kelsey;* and was successful in it also. He argued eight cases on behalf of the United States, the two principal of which were, *The United States* vs. *Miranda*, and *Wood* vs. *The United States.* The first was the case of a Spanish land-grant, under which was claimed 368,640 acres on the waters of Hillsboro' and Tampa Bays in Florida. The grounds maintained on behalf of the United States were that the grant was a forgery, but if that should not be made out, then, that it was void from uncertainty. In a jury trial in the court of East Florida, the jury had found the grant genuine, and the judge had also declared it valid; but not to the extent claimed. Here again he was successful, and upset the grant. Miranda, the grantee, had been a rower in the pilot launch of the bar of St. Augustine; and yet a man in his condition of life, it was pretended, had received this princely grant. Legaré's knowledge of Spanish was of the greatest use to him in this case, and in all the Florida land cases. The other great government case of that term, *Wood* vs. *the United States*, had relation to the great frauds that had been committed on the revenue by false invoices. This was the first of these cases that came up to the Supreme Court, and settled the principles applicable to cases of this character.

The next year he argued a case involving the right of ferry between the cities of Louisville and Jeffersonville, and was successful. But his great argument that year was in the case of *Jewell* vs. *Jewell*—a case involving the question, What was the law of marriage in the United States? For historical research, and noble and elevated views of the interests of society, with reference to the matrimonial contract, it was unequalled. It is to be regretted that this argument has not been reported; for all who heard it admitted that it was one of his greatest efforts. As an instance of the care with which he prepared himself, a friend informs us that he sent to Vienna for *Eichorn's Kirkenrechts*, for the purposes of this argument.

While occupying only the function to which he had been at first called—that of the law-member of the cabinet—his wide and masterly skill to direct, in the very various and high legal and constitutional questions which were submitted to him, gave him (as may be judged from what we have already related) a very high authority in the administration. Nor did that authority ever fail, in discretionary matters, to be exerted on the side of just and moderate counsels, as to both party and the public. The integrity and the elevation of all his aims; the liberality and the calmness of all his views; his catholic

spirit towards his country and his countrymen of whatever section and of whatever doctrine that was respectable and sought or was capable to effect the common purpose of good—(attainable with all doctrines alike, since doctrine has very little to do with it)—preserved for him, even amidst a most unpopular administration, the general confidence and relations the most kindly with whatever he met of worth and eminence, among either opposition* whether in official duty or in social intercourse. Some of his most intimate friends—two in particular of the most devoted—were among the most determined and even bitter opponents of the administration to which he belonged. Indeed, remarkable as that administration was, as fatal to the reputation (where there was any) of every other that it drew to it, Mr. Legaré stood an exception, and won quite as much on the national esteem as the rest lost If he thus gained upon the public, it is much to Mr. Tyler's honor that, by his abilities, his rectitude, and the firmness with which, as an adviser, he resisted many things of wrong, he equally gained upon not merely what could not be withheld—the President's respect—but his affection. The influence which he had obtained sometime before his death is yet little known, because altogether legitimate, and quietly exercised for good, upon important occasions only: but it was at last probably greater than any body else possessed.

This extreme confidence in his intentions and admiration of his abilities induced President Tyler, upon the withdrawing of Mr. Webster from the cabinet, to confide to Mr. Legaré, in long *ad interim*, the care of the State department, in heavy addition to the laborious duty performed duties of his own. Besides the older proofs of his fitness for the diplomatic functions, he had given such important aid in the conduct of a part of the Ashburton treaty† as manifested his eminent qualifications for the new trust. He discharged it, accordingly, admirably: but perhaps with a fidelity which, amidst the mass of his other labours, abridged his life.

In July, 1842, he suffered the severest personal affliction that his life had yet known—the loss of his sister, Mrs. Bryan; a lady of such virtues as a heart like his might well deeply regret, since few have been deplored by a larger or more attached circle of friends.

In the following January came a still severer calamity—the death of the admirable mother to whom he owed so much, and whom he repaid with such an extreme filial devotion. After the loss of her

* For there were then two.

† That part of it involving the question of the Right of Search.

elder daughter, she had yielded to his earnest entreaties, and came to receive beneath his roof the tender cares of which her declining age began to have need. There, watched over as fondly as she was piously deplored, she soon breathed her last in his arms. He seems in communicating the event to their common friend, Judge King, of Charleston, to have burst out into a lamentation and an encomium such as he might well utter and she receive. She died, however, full of years, her duties of life admirably done, her hopes as much crowned in the merited eminence of her son as her affections in his exemplary love.

The severe bereavement saddened only, but was permitted not long to interrupt public duties so grave as those that bore upon him. He went on to perform, with unbroken application, his double offices. But his own fate was now almost at hand Powerful as seemed his constitution, there was clearly in him some structural cause of disease, some latent infirmity which, excited by his habits of exhausting and intense work, not even his methodical mode of living could baffle. In the autumn before his death, he had been in extreme peril from an attack of visceral derangement such as finally carried him off. Very skilful medical assistance had then saved him, but not without bodily sufferings so terrible, as made him tell his sister, that if it pleased God, he would rather die than again encounter such to live. But on a visit to Boston with the President, in the next June, to assist in the Bunker Hill celebration, he was seized, on the day of his arrival itself, (Friday, the 16th,) with a return of the same malady. On the next day—that of the ceremonials—he was too sick to take any part in them. In spite of all medical aid, though called in at once, he grew rapidly worse, suffering, meanwhile, intensely, and convinced of his danger, but perfectly calm and preparing himself for the event. On Sunday evening, manifestly in much danger, he yielded to the solicitude of his alarmed friends, Professor Ticknor and his amiable wife, and suffered himself to be removed from his public lodgings to their house in Park street. There, in spite of every care of friendship and every effort of skill, he breathed his last, at 5 o'clock, on the morning of the 20th. He had sustained his advancing disease with entire courage and cheerfulness, and met his expected fate with a manliness such as became a life so good. The intervals of violent pains, during the day preceding his dissolution, were spent in giving directions as to the disposal of such public duties as needed that final care, and in putting in order his own private affairs. All this was performed with admirable clearness and composure, an mixed only

with tokens of the feelings which, at such a moment, fly to the distant embrace of friendship and of love, and, agitating the heart for the last time, can yet not shake the firm soul. His last murmured words were, as had been his latest written sentence, of his surviving sister; and, affection and consciousness ceasing only together, he expired so calmly in the arms of his friend Mr. Ticknor, that the latter scarcely knew when that noble mind had passed away.

A man far the most remarkable that our country has seen, in all accomplishments of public life, he left nothing to be lamented in his career, except its early close. The general burst of concern—deepest where it did him the most honor—which, over the entire land, followed his death, testified but too well how widely was spreading the quiet but sure force of his reputation, and how much, in the full twenty years of life due, he would have achieved of useful to his times and memorable to others. The vast plan, the peculiar civil labor for which he had cast himself, daring as it was, was beginning to be within his reach, as it was within his faculties; but has perished with him, in a time that can no more, even by accident, breed such men. As for the formality of summing up his character, we shall not attempt it. If we are able to do it, it is already sufficiently done, without the pomp and elaboration of set praise.

Valued, as he should be, by not merely what he lived to complete, it may be said of him, with nothing of exaggeration, that while, as an orator and a politician, he rivalled the splendor of Burke and his flashing reach of thought, as a scholar he entirely equalled Gibbon in labour and in learning, and would have placed himself in parallel with Mansfield as a lawyer. Brief as was the term which Heaven so bountiful to him in all else, permitted, he had filled it with singular honor, and, in the sight of the well-judging,

"Had reaped what glory life's short harvest yields."

E. W. J.

Washington, (D. C.) Feb. 27, 1846.

WRITINGS

OF

HUGH SWINTON LEGARÉ.

DIARY OF BRUSSELS.

Bruxelles, 16th May, 1833.

As I have found, by experience on former occasions, that a *diary* is a very amusing thing, and not altogether unprofitable to him that keeps it, after the lapse of a few years, I am determined to struggle with my most supine indolence, so far as to fill up such a daily record of my actings and sayings. *Forsan et hæc olim meminisse juvabit.* I can go no further back than the first of the fifth month, and even then, for the fortnight past, my notice of things will be very general and inexact.

1*st May—St. Philip.* The ambassador of France, who is lately moved to a fine hotel at the corner of the Rue Ducale, opposite to that of Prince Auguste d'Arenberg, celebrates the fête of His Majesty, the King of France, by a grand diplomatic dinner *in costume.* Thirty odd persons are present,—all of them functionaries, civil or military. The English minister, Sir Robert Adair on the right, and the Minister of Foreign Affairs, M. le Général Goblet on the *left* of the Count de Latour-Maubourg; opposite to whom sat the newly-arrived Secretary of the French legation, Casimir Perier, son of the famous *juste milieu* Minister of State, *feu.* M. Casimir Perier. I sat, by M. de Latour-Maubourg's request, at the right hand of the Secretary. Table crowded,—salle-á-manger, like most of the other rooms in this part of Brussels, (at least) not large or long enough for a gala day. Service at table, though waiting-men (some in gala livery) sufficiently numerous, not very ready. Every thing I ate as cold as at a royal banquet. Talked a good deal with Mr.

Perier, who has been three years in England, *attaché* to M. de Talleyrand, and with General Desprez, Chief of Etat-Major-General, and, I believe, at the head of the army here in all respects. He is (*par parenthèse*) a French officer, and, *because* a child of the revolution and empire, has seen the manners and cities of many men, and, *although* a child, etc., is *très instruit*. He understands his own business, they say, thoroughly, being quite a scientific engineer, etc.; but, besides that, he is, for a Frenchman of his day, extremely well-informed in other matters, and even quotes Tacitus apropos. He speaks English *comme ça*, and speaks it without the least diffidence. M. Perier speaks it, of course, much better. This young gentleman has great expectations. He is about twenty-two or three years of age,—has 80,000 francs a year of his own, and a mother with the same income,—and the *éclat* of his father's name to help him forward to the high places which, no doubt, await him. He is very amiable, and does not seem too much pleased with London. I told him our English circle here was almost our only society, and a very charming one,—English on the Continent being more *English*, (that is, less stupidly artificial and pedantic,) and, *therefore*, more estimable and agreeable than in the fashionable circles of their metropolis,—where one sees nothing but glare and glitter in the *matériel*, and envy, hatred, malice, and all uncharitableness, taking the antic shape of *systematized* rudeness and coldness, under the name of "the thing", (bon-ton,) as to the *moral*.

In the evening, a little party at Mrs. Durham Calderwood's, a sweet little Scotch-woman,—a good house,—married to a naval officer, and now residing here a few months. *All* English:—Marchioness of Hastings and two of her daughters, Lady Flora and Lady Adelaide, here. Have a long conversation with Lady Flora, who is a charming person,—tall, with blue eyes and fair hair, very much given to reading, perfectly acquainted (as far as a young lady can be) with the world, which she has travelled all over, and having the sort of manners befitting her birth and station. Lady Hastings herself was Countess of Loudoun in her own right.

Hotel of the French embassy illuminated. I ought to have mentioned that, by way of accompaniment to the *dessert* at dinner, M. Goblet proposed the health of the King of France, with some words expressive of the services he had rendered to the cause of Belgium; and that, some time after, M. de Latour-Maubourg returned the compliment, by proposing that of King Leopold. No more toasts were drunk, and *tant mieux*.

2*d May*. Rose at my usual hour,—read until half-past 8,—shaved,—took tea and dry toast, etc. Nothing unusual about

me, and as I had recently gone to Antwerp and back again, spending three days after the fashion of travellers, I had some reason to expect that I should be pretty well for some time, until hard study, free living, etc., should make it necessary for me to change the air again. Mens cæca futuri! At half-past 11, while I was reading Pindar in my salon, I was seized, with the suddenness of a flash of lightning, with a most violent pain in my breast, piercing me through and through, but especially under the right shoulder-blade. Evening, still worse. Night, sleepless. Small party at Lady Charlotte Fitzgerald's. The Lady Hastings' there. Had a long conversation with Captain Hamilton, brother of the English Secretary of Legation, whom I had met with before, especially at Court, (dinner) on the 30th April. Very sensible and worthy man, of the conservative school. Tells me he hopes to see me again at Prince Auguste's, on Saturday,—the last day of his present visit to Brussels.

3*d May*. Horrible pain continues. I study through it, and, at night, to ensure my repose, take a few drops of laudanum. Well I do, for in spite of the narcotic, I repeatedly wake in pain, though the "slumbrous influence" of the anodyne prevents my sufferings being prolonged at any one time. Remember nothing.

4*th May*. Pain still acute. Study as usual; finish Pindar and the diplomatic correspondence of the Revolution. Dine at Prince Auguste d'Arenberg's. Capt. Hamilton not there,—had been attacked much in the same way as myself. I mention this to his brother, who says he has suffered from some such thing himself. Tells me, when I express a regret at the Captain's absence, that it is mutual. Very warm to-day. The weather had hitherto been disagreeably and most unseasonably cold. The sudden change creates great complaints, but I tell the company it operates on me like the liveliest champagne.

5*th May*,—*Sunday*. Nothing particular. Write letters to America, against my next despatch day, (next Sunday).

Evening. Call at Mr. Seymour's. On my return, see the card of Mr. Davezac, brother of Mrs. Edward Livingston, and Chargé d'Affaires of the United States at the Hague.

6*th May*. From this date, the order of my studies changed. Read Greek, henceforth, before breakfast. After, law of nations, civil and common law, politics, etc., etc. Begin the Odyssey, Vattel, Letters on English Chancery. Translate diplomatic pieces out of French into English, in order to re-translate into French. At 11, Mr. Davezac comes in. I invite him to dine, which he consents to do. Long conversation; find him a very

sensible, well-informed man, with *decided* marks of *usage* of the world and literary taste united. After he goes away, and just as I am about to send for two Polish officers, one of whom, Count Lenowski, having been attached to the Russian legation at the Hague, is an old acquaintance of Mr. Davezac's, a young American gentleman, Mr. Ritchie, sends up his card. Receive him, and find that he is the son of Mr. Ritchie of the Richmond Enquirer. Invite him to meet Mr. Davezac, at 3 o'clock. Call on him in my *calèche*, and take him to see *the town*, *the Boulevard*, and the *Allée Verte*. Dinner at half-past 5. Count Lenowski there. Davezac extremely entertaining. Upon my asking how he got on here and at the Hague with his former *principal*, Mr. Preble, (whose Secretary of Legation he had been,) gave us a most lively and diverting sketch of his character and manners. I told him, after he had done, that he deserved the eternal gratitude of his country,—that I had conceived a very inadequate idea of what he had suffered in her service, etc., etc.

7th May. Non mi ricordo: only ill of a cold and the old rheumatism.

8th May. Very indisposed still. Dine at Prince Auguste's. Ask him, at dinner, if he has read Mr. Nothomb's (Secretary General in the department of Foreign Affairs) Essay on the Revolution. Answers by asking if I have read the preface. I reply affirmatively; whereupon he tells me I am able to judge of the whole work from that precious specimen of garrulous egotism and superficial pretension. The Prince, however, is sometimes morose, always *entêté*, and most thoroughly *antediluvian* in his politics,—by which ingenious epithet I would have all, who have neither learned nor forgotten any thing since the *débordement* of '89, to be designated. He is an excellent specimen, by the way, of *la vieille cour*,—active mind, quick perception, love of reading,—conversation lively, diversified, *piquante sans emphase*,—taste for the "news of the day," (chronique scandaleuse,)—perfectly versed in the forms of life and manners of the world, and apparently acquainted with the history of every prominent person in it. He is now *octogénaire*, but in most perfect preservation. Lives "like a prince"; gives dinners perpetually, but never accepts an invitation. Has the best of cooks, service of *silver* plaque, and half a dozen serving-men, in brilliant livery, with two *valets*—but no other *fuss* or *show* about his table. Seldom invites as many as 16—sometimes 12, generally 10, and the same set (with occasional variations as to some of the individuals that compose it) always. The English Ambassador and his Secretary of Legation, (Sir George Hamilton, the reigning and all-prevailing favorite of the Prince,) consider

themselves as regularly "*abonnés*", and refuse all other invitations on the Prince's days, (Mondays, Wednesdays and Saturdays,) and the invariable guest is Sir Henry Seton, the King's Secretary,—a dry, sly, droll, diverting Scotchman, *blasé* in the circles of London fashionable life, and bearing its stamp in his manners and character.—But the Prince. Speaking of him the other day at Madame Latour-Maubourg's, with Count Henry de Mérode—(*àpropos*, I had heard the Prince talk, more than once, with great freedom and some severity, of the busy-body readiness with which certain members of this old and prominent family (they are connected with M. de La Fayette) presented themselves, wherever they heard of a *row* in any part of Europe,)—this very amiable gentleman remarked, with his usual *douceur* and *diffidence*, "he (the Prince) has at present a great horror of recollections, but it was not always so. In '89, (the Prince was, at Paris, a favorite of Maria-Antoinette, as Count de la March,—see Gouverneur Morris' correspondence,) he was not a little affected with the reigning *mania*." However, all this by the way.—I only mean to record why I received his *placitum* as to M. le Secrétaire-Général's (a creation of the late convulsion, who, besides being as self-complacent as if he were well-born, is an *avocat*, wears a dirty shirt, unwashed hands, etc., etc.) *cum grano salis*. After dinner, shews me the work inter-leaved, and garnished *cum commentario perpetuo*, in MS., the said commentary being what the Prince had dictated to his secretary in reading it. Run over some pages of the MS., and find them worthy of more deliberate attention. The Prince, after some time, calls out to me to have done; that he did not mean to impose a task upon me, etc. Besides, if I be so inclined, he will lend me the whole when it shall have been finished. I shall not fail to ask for it, for I was interested in what I read.

Sir R. Adair comes up to me and says, I have a design upon you. The Prince has been talking to me of a work of Tacitus I never heard of,—a discourse on Eloquence. O yes, say I; a dialogue of orators, or, as it is more appropriately termed, *de causis corruptæ eloquentiæ*, an admirable piece of criticism, sometimes attributed, though I never could understand why, to the great historian of despotism. In my opinion, the pretensions of Quinctilian, or Pliny the younger, or any body else, etc., are much more plausible. Afterwards, Sir Robert states what I say to the Prince, who seems pleased at it, and refers to a passage about the necessity of disorders in a State to the existence of true eloquence, which soars highest, like certain birds, (I had an eye, to confess the truth, to our own dear Carolina buzzards,) upon the wings of the tempest. I cite in the original the passage referred to: Magna illa et notabilis eloquentia, *alumna licentiæ, comes seditionum*, etc., etc.

9th May,—Thursday. King on a tour in Flanders. No dinner at Court to-day. As to the rest, *non mi ricordo*, except that I continue very much indisposed, and resolve to starve out my ailings, whatever they be.

My *valet-de-chambre*, a Spaniard of the name of *Fulano Ferrari*, has an *audience* of me, to-day, to explain his long absence, which had made me set him down with Scipio and other valets of the same stamp in my favorite Gil Blas; since, after he had exceeded his furlough more than a fortnight, I asked my footman whether he had taken every thing of his with him. The answer was in the affirmative, extending even to the *black coat* he wears ex-officio as my *ayuda de camera* inclusive. Having been led by false appearances (but through his own indiscretion) to think him capable of theft and *petty treason*, I felt bound, in justice to him, to take him back, the more especially as *fame*, which, in a small city and a court circle, never spares any body, especially single gentlemen and ladies and their servants, was beginning to make rather free with his reputation,—but I am satisfied, from other evidence, that he is not worthy of the confidence I once reposed in him, and, whilst I admit him again to my service, I take care it shall not be on the old footing,—especially as to the powers of a paymaster-general.

10th May. Fast again, and don't go out at all. Eyes bad.

11th. Dine at Prince Auguste's. Company small, owing to a dinner which Mr. Perier gives in the country to a party of ladies, which takes him away, with the Hamiltons, and Lady Wm. Paget and her mother. Present, Sir R. Adair, Sir H. Seton, Mr. and Mrs. Seymour with their two daughters, M. Baillet and myself. At dinner, ask the Prince if he is acquainted with Goinon's Mémoires. Answers affirmatively. Conversation turns on what he says of the first incidents of the French Revolution. I mention a *pun*,—parler *bas* et opiner du *bonnet*,—shewing that he had taken notice of the *motley* of the first assemblies. Allude to what he says of the prodigious *run* of the Marriage of Figaro. But times are changed, says the Prince, and few are the works of men that do not change with them. The other evening they acted this same piece, the impression made by which, half a century ago, I so well remember; on our *boards*, it fell lifeless as it were. The subject was out of date. What was bold then, is now *banal*,—what hit most forcibly, is, through subsequent changes, become inapplicable, etc., etc. In short, nothing could be more flat. The famous monologue of the great barber was received without one token of effect.

12th May. System of diet kept up. Take a drive in the

Allée Verte after dinner; find it crowded with equipages of one sort or other; none brilliant; great deal of dust. Evening at Mr. Seymour's. Return at half-past 10. At 11 received a card from the Marchioness Dowager of Hastings, bidding me to her house, or rather lodgings, on Monday evening.

13*th May*. *Spare fast* still. Eyes so bad am compelled to give up the Odyssey, and to read nothing, indeed. *Valet-de-chambre* reads for me the newspapers, Gil Blas, etc., and certain letters on the English Chancery, published by M. Royer-Collard. About 11, Mr. Ritchie comes in. Invite him to dine next day. Delightful weather. Lady Hastings' party, all the English of note here. Talk principally with Lady Flora; presented to Lady Sophia, whom I did not yet know. Find her like the rest, very intelligent, lady-like and agreeable. The Rev. Mr. Drury slips into my hand a letter from Basil Hall, who, it seems, left Brussels this morning. Mr. D., who met with him the day before, casually, in coming from church, and made his acquaintance, in the course of conversation mentioned that he had in his possession an American review of Hall's Travels, which, if Capt. Hall had any curiosity to see it, was very much at his service. The tourist, at first, rather declined the offer, saying that he had laid it down as a rule to read nothing written about him in America; however, he ended by saying, that if Mr. D. would send it, he would cast his eyes over it. The book was accordingly sent, and the letter now handed me embodied the impressions which my article on Capt. Hall's Travels had made upon the author. He speaks highly of his critic as a man of sense, honor and fairness, but seems hurt that the tourist should be regarded as one under the influence of strong pre-conceived opinions; in short, as a perfect *homme à système*. I shall ask for this letter and send it to Petigru, Hall's great champion, who found fault with me for that very article. *Nota*—Hall asked Sir G. Hamilton, very particularly, what my address was.

Had a conversation with Dr. Tobin, physician of the British embassy here, to whom Mrs. Seymour introduced me on account of my inflamed eye. Intelligent man; speaking highly of American physicians, and somewhat (I think) of a *democrat*. Tells me, for my comfort, that many people are suffering in the same way, Lady Arundel especially, whom he is now attending; that Brussels, and, indeed, all this country, is noted for the prevalence of this disease, which may arise from the fine white dust, and is, without doubt, greatly aggravated by the ignorance of the physicians,—the most ignorant, he affirms, of all the disciples of Æsculapius. But what, he adds, can be expected of men whose fee is two francs? I assent, and add that, if I be not better next day, I shall send for him; but as I suspect my eyes to be sym-

pathizing with an irritated stomach, I have been trying what low diet would do to appease the hostile coalition.

14*th May*. Rather better. Mr. Ritchie dines with me, and I venture to eat a little. After dinner we take a long drive, going out of the town at the gate of Flanders, and returning by way of the Allée Verte, having made the tour of the Chateau and its wood, heard the nightingales singing in its shade, and enjoyed, altogether, a most enchanting evening. Did not get home before 9 o'clock. The view of Brussels, from the road that leads from the great highway to Flanders, to the village of Lacken, under so fine a sky, was quite beautiful, and one of the best I have seen from the many points I have looked from. Mr. R. takes leave, with many thanks.

15*th May*. Dine at Prince Auguste's. Meet there two strangers,—Mr. Abercrombie, Secretary of the British embassy at Berlin, and Lord Valletort, eldest son of Lord Mount-Edgecombe. Nothing particular. All the diplomatic corps present, except the new *attaché* to the English legation, just arrived, (who promises, Sir Robert assures me, smiling, to be a *working*, and not a *fishing*, Secretary,) Mr. Des Voeux. King arrives this evening.

16*th May*. Dinner at Court. I sit on the left of His Majesty, Lady Valletort, who had walked to dinner with Sir R. Adair, being on my right, (between the king and me,) and the barronne d'Hoogvorst (whom I had led in) on my left. This young English lady was, about eighteen months ago, a *Miss* somebody, daughter of a Captain in the British navy; she is now likely to be a *Countess*, and will grace her coronet with a great deal of beauty of a high style. I talked with her a little at dinner, and found her, like all the English, enthusiastic about Italy, and, like *herself*, still more so about *Greece*. Her hair was dressed *à la Grècque*, and this charming simplicity heightened the effect of the fine contrast between its own blackness and her very white cheeks and *gorge*. She talked in that low tone, and rather mincing, *precieuse* manner, which some English think the perfection of the *ton*. Short *soirée*, on account of the queen's pregnancy, no doubt.

Party at Mr. Freke's, brother of Lord Carberry, who has two daughters, nice, frank, good-natured, lively Irish girls, and a son, heir-presumptive of a peerage and 40,000 a year, who is both deaf and dumb. Yet he goes to every ball, etc., dances, and seems the happiest man in the room. I am told he has been (and more than once, I think) engaged to be married, but contrived to be off when it came to the pinch. Lady Valletort, Lady Wm. Paget, etc., but *not* the Hastings', who have just lost a

relation. Party numerous, and very English. Ladies all seated round the principal *salon*, looking at each other with that air of uneasy, though subdued and grave mutual distrust, that belongs to that sort of armed neutrality. It was very warm, and so, as I found myself rapidly becoming nervous, I slunk away into a small apartment adjoining, where, to my great relief, I found a window wide open, a small society chattering and noisy, and Miss ———, my special favorite and a sweet girl, sitting entrenched in a corner, with an evident determination to defend the position to the last. Here I established myself for the evening, never having plucked up courage enough to cross the other room, even to speak to Mrs. Seymour, my most familiar acquaintance here. Singing by Miss Freke (very passable) and two gentlemen. Still, the dullness of the hour oppresses every body. At length, things being fairly at extremities, a waltz or quadrille, to the piano-forte, is got up. I avail myself of the first confusion to make my escape, which I effect, without further damage, about half-past 11. *Sic me servavit Apollo.*

17th May. Having eaten a little yesterday, I am sensibly better to-day, for abstinence makes me ill for the present, whatever its ultimate effects may be. Determine to break my long fast. Mr. Serruys, Vice-Consul at Ostend, comes in. Hands me the commission of the Consul, and requests I will get an *exequatur*. Tells me he had seen the King at Ostend, and heard him say, (nay, said he, His Majesty even addressed the *parole* to me,) *àpropos* of the projected rail-road to the Rhine, that the objections made to the port of Ostend as one of its termini, had not been answered, and, therefore, were believed. Yet you know, said the King with a significant look, that the press is free, and *very* free. Mr. S. tells me, at Ghent the Orangists did all they could to insult and mortify Leopold. Thus, they hired the boxes at the theatre in front of the royal box, and left them vacant. On pretence of presenting him a petition, some one forced upon him a number of a paper filled with abuse of him and the queen, etc., etc. But, at Ostend and other towns, he found some compensation for these outrages. *Apropos* of this,—driving out this evening, Mr. Seymour, whom I took up, tells me that Capt. La Goletterie, (officièr d'ordonnance,) a French officer of our acquaintance, whom I met last night at the Frekes', had fought a duel yesterday morning with some malcontent here, in consequence of his hissing (the said patriot) at a serenade offered to His Majesty on his return, by the Societé de la Grande Harmonie. The worthy *siffleur* was not favored by fortune, having been very dangerously wounded in the body.

Spend the evening at Mr. Seymour's. While I am there, a loud peal of thunder (for this climate) announces the much

desired probability or approach of rain, of which, indeed, a few scattered drops do fall, but far too few to correct the dusty drought.

18*th May*. Dinner yesterday restored me a good deal. Take a warm bath—the second this season—at 2 o'clock, and remain in it half an hour. Dismiss my *fille-de-quartier*,—mistress, it seems, of Mr. Ferrari, my *valet-de-chambre*, who does not choose that she shall be at too much pains to put the house to rights, and kicks up a tremendous row because the other servant will not put down the stair-case carpet until the stairs are washed clean. *He* ought to be sent off with her, and shall soon follow her, if he continue to mistake the *valet* for the *roi* here.

19*th May—Sunday*. Feel almost well to-day. Walk in the park before breakfast; the fresh verdure of the foliage, the retreat, the stillness, broken by the voices of numberless birds,—all delightful.

Bring up this journal to the present date. Write to the Minister of Foreign Affairs on the subject of the Ostend consulship, and the "style" proper to be used in addressing letters of *notification* to the President of the United States; (they have generally kept up that of the old confederation, to "the President *and Congress*", which is obviously wrong). Read (my habit of a Sunday) Bossuet's variations *des Eglises Protestantes*. He passes over *Cranmer*, Somerset & Co., with tremendous force: all the subtlety of controversial dialectics, combined with strong downright sense, the sincerity and earnestness of deep conviction, and the severe, masculine, sublime simplicity of style, for which that great master is remarkable. His summing up of Cranmer's character and conduct is inimitably well done.

Sally forth *en voiture*, and make some calls. Dine at 6, and take an airing, after dinner, to my favorite resort in the forest,—the sweet remnant of the haunted Ardennes. My head was particularly full of "As you like it," etc., this evening. Return at half-past 8.

Take a walk: meet Mr. Seymour and his charming daughter, Emily; invited to go home with them; do so. Look again at her admirable sketches. One of the Last Supper, and another of a Prince of Orange at the head of a troop of horse, struck me as displaying talent of a very high order. All good, however, and as I looked alternately at these *master*-pieces of art, and at the fair creature who executed them, (she is little more than 18 now,) * * * * *

While I am there Gen. Des Prez comes in, telling them I had informed him they were usually at home on Sunday evenings.

20th May. Resume Greek; read half the 4th book of the Odyssey before breakfast. Take a short walk; find myself quite well. Weather very cool; too much so for me to venture to bathe. About 1, the Minister of Foreign Affairs calls, and begs me to furnish him a copy of the treaty lately negotiated at Washington, by and between Mr. Livingston and the Belgian envoy, Mr. Behr; the one sent him by the latter not having come to hand. Tell him that explains what had puzzled me very much hitherto: viz., the profound silence about it, and, indeed, the ignorance in which Mr. Lebeau, Minister of Justice, was, as late as the last time I met him at Court.

Speak of the elections. Mr. Goblet thinks himself and Mr. Le Hon, (now Minister at Paris,) in some danger at Tournay—the Catholics of that city being the *exaltés* and in opposition. I ask him how *exaltés*. He answers, by republican ideas. I express (what I felt) my surprise at this, having hitherto supposed that most of the *soi-disant* democrats here were fifth-monarchy-men, or libertines in politics, religion and morals, or, lastly, Orange-men and contre-révolutionairès in disguise. I think, with some few exceptions among theoretical men, especially German and other students and professors, such is a pretty exact description of the republican party all over Europe, for whom, I confess, I have no great respect.

Visit two or three book-shops, inquiring after St. Croix, Daru, Meyer's Judicial Institutions, Savigny and Hugo. Get none of them. At the Jew's Summerhauzen, taken with a new edition of the Institutes, that is, of the *Corpus Juris*, of which the first *livraison* only is published; good edition in quarto, with copious notes, containing the *concordance* of the law.

Take a long drive in the evening, going round the *Boulevard*, and thence by cross roads to the gate of Anderlecht. View of Brussels still better than the one mentioned above. Weather delighful. At night, the whole air filled with the musical chorus of frogs, which I mistook for birds!

Invitation to dine, on the 28th of this month, with the British minister, it being H. B. Majesty's birth-day; and so we are to dine in their horrid straight-jackets, called court-dress.

21st May. Read the Odyssey, on waking, etc. Day passed as usual. No event. At 7, take a drive, and more than ever charmed with the beauty of the earth, and the brightness and sweet temperature of the heavens. Pass the *voiture* of Madame la Contesse de Mérode (Henri), who stops to *walk* through a by-path, leading along a wood of Mr. Mosselman's, on the *côte*, out of the Porte de Hal. Asks me how I like their country. Tell them excessively, and that I often visit these enchanted

solitudes. Think this the prettiest drive of all. Not dark until half-past 9, and a new moon promises still sweeter evenings.

22d May. Write to Mr. Patterson, consul at Antwerp. Receive a note from the Minister of Foreign Affairs. Invited to dine at Court to-morrow. Go to Summerhauzen's *libraire:* gives me the card of a teacher of German. Dine at Prince Auguste's. Meet there Sir Robt. Adair and his new attaché, Mr. Des Voeux, (whom I had not seen before,) M. de Baillet, M. de ——, Percy Doyle, attaché to the English legation, Lady Wm. Paget, (looking very pretty), and her mother, Lady de Rottenburg, M. Perier,—afterwards, (the Prince, who is usually exact to a minute, was becoming impatient,) the Earl and Countess of Stanhope come in. At dinner, Mr. Des Voeux is beside me. Talkative and amiable; has been in Germany, and learned its language and literature; is rather scholastic. In the course of conversation, tells me we are making in America a new experiment,—viz: a republic *without slaves.* I ask him, if he has ever seen that idea *in print.* He says not, and that it has just occurred to him. I reply that my reason for asking was that I had often and often reflected on it in all its bearings, and but lately had a long conversation upon it with an intelligent and interesting young Polish exile, Count Zamoiska, (nephew of Prince Czartorisky,) and I had often wondered that no one had ever (to my knowledge) dwelt upon and developed it, among the thousand and one speculations which these later times have produced in what is called political philosophy. Seems struck with what I say. After dinner, the Prince's Savoyard pensioners play and dance in the street, which draws us all to the window. While I am there, the Prince brings Lord Stanhope to me and introduces him. Long conversation on politics; not knowing his politics, my share of it rather political,—that is to say, with a double aspect. The Prince at length (in his way) comes up with his hat on. I ask him if he is going to the theatre, (of which he is a constant attendant.) Answers negatively, for they give Hamlet in *English*, which is *Greek* to him. Says he is going to "carry off" (*enlever*) Lady Stanhope. What will you do, says he to my lord. On some indecisive answer being given, I propose to his lordship to take a drive with me, which he agrees to. Go to the Allée Verte, and thence round the Chateau of Lacken. Find him extremely talkative,—engrossed with the politics of England, whose situation he thinks imminently, nay desperately, perilous. Soon find out he is neither whig nor *tory*, (mistake: he was an ultra tory, turned jacobin, *verbo tenus*, from despite,) but a *believer* in an approaching English republic, and a root and branch reformer, *bien entendu*, however, *after his own*

fashion. On my suggesting that the financial difficulties of England were rather embarrassing in a *moral* than a *material* (French sense) point of view, and that spunging half the national debt, if it were excused by an over-ruling necessity, would not be fatal to her prosperity, he dissents, and lets me into his system (for he is *un homme à système*). This is to increase the circulating medium. I tell him that the only difference between his plan and mine is that I *candidly* confiscate half the capital, and he secretly destroys its value to the same amount, by paying the interest in a nominal instead of a real value. He answers that if there is plenty of money there will be plenty of work, and the operatives will have something more innocent to occupy them than schemes, as Gil Blas' heroes express it, of living at the expense of their neighbors without their consent,—whereas to destroy the capital in any way would augment the distress. He has written about it, and had conversations and correspondence with Mr. Attwood of Birmingham, and so there is no hope of him.

Finding him talkative, I do all I can to bring him out fully, and succeed. After taking a very long drive, I ask him if he wishes to be set down any where particularly. Tells me no, and asks me if I am engaged. Answer no, and add that I should be glad he would go in with me to my house,—which he does, and remains until 10 o'clock. I had, thus, a conversation of *three* hours with him, which was very interesting to me, for it consisted of a collection of curious little reminiscences and anecdotes,—the tittle-tattle of high English circles,—which I have never had so good an opportunity of hearing.

He tells me Lord Grey is troubled ever and anon with a *fearful vision*,—like Macbeth's dagger and Banquo's ghost. He sees the decollated head of *Brissot*, (horresco referens,) with *gouts* of blood dropping from it, as if warm from the knife of the guillotine. The first time this horrible phantom presented itself to him, it seems, was when he was making a speech on the Reform Bill. He was heard by some near him to say, *there it is!* then burst into tears, and sat down. The fear of encountering this phantom has made him change his position in the house of lords, cover his eyes with his hands, etc., etc. I tell him, it is downright *monomania*, and wonder I had never heard of it before. Was it never put into the papers, where every thing goes in these times? He says it was; but why was it not *circulated?*

Lord Grey, he thinks, (and says both Wellington and Talleyrand say so, too,) is a good speaker, but not an able statesman; and that he heard a *grave man*, and a man of substance, who had backed him in the reform, say, recently, that his Premiership would soon be the most unpopular man in England, and that he would end at the *lamp-post!*

Lord Carnaervon (lately deceased) told Lord Grey, in a speech full of power, that he would be the Neckar of the Revolution, unless he became its Robespierre.

By way of illustrating the *panic* that prevails in England at present, tells me that Lord Hertford, one of the richest men in the kingdom, whom I met at Court here, six months ago, on his way to Naples, foreseeing the storm, had invested £500,000 in American stocks, and bought a *Palazzo* at Naples, and, it is said, never means to return to England. Lord S. himself assures me, he does not think a revolution six months off, and that they will attempt to set up a *republic*. The present *set*, he says, are losing all their popularity, and must be succeeded by *radicals*; for Wellington positively refuses to come in. I ask him what the Duke thinks of the situation of the country. As ill as possible, says he; and, to another question of mine, he replies that Wellington's opinion is founded not on the character of the administration, but of the *crisis*.

Lord Grey, he tells me, in spite, or, perhaps, in *consequence*, of the above-mentioned vision "of the gory locks", (raw head and bloody bones,) is making himself very ridiculous with the women, to whom he indites sonnets and billets-doux, at the age of three-score and thirteen or so! One of the latter he addressed to Lady Lyndhurst, who threatens to *publish!*

Remarks that the conduct of the *King*, in regard to the Reform bill, was as weak and insincere as that of the King of France in relation to the Constitution; and his *practices* with the Tory party of a piece, in all respects, with the flight to Varennes. Says he is a very *impracticable*, foolish man; not at all sensible of the state of things in England until lately, but *now* frightened; but refuses to *hear officious* advice, because he feels bound to be *bound* by *official*. Tells me that, some time ago, one of the royal bastards (Lord Frederick, I think) laid a wager there would be a republic in *three years*. He (Lord S.) had told another, whom he frequently sees at *Club*, that his royal papa had done a foolish thing to *alienate* from himself the affections of the people of Hanover, for *now* he would have no *refuge* when he should have to fly—as fly he must, or run—["and they that run, and they that fly, must end where *they began*", L.]—from republican England. The king *lately* had the mortification to see two *professed* republicans elected under his very nose at Brighton, and, that his "disgrace might want no *brightening* and *burnishing*", elected over two *naval* candidates, whom "*reform Bill*" wanted to get in, as he always sticks to the button. Another thing shocked the nerves of his majesty: a *head*, not *unreal*, like Lord Grey's Brissot, but a hard, *bonâ fide* English cranium, unceremoniously thrust into the window of the royal carriage, with the ominous interrogatory issuing

from its mouth, "What are you doing here? get about your business, and give way to the Duke of Sussex." The Duke of Glo'ster is an acknowledged fool: they call him *Silly Billy*. When the king was going down to dissolve the Parliament, he was in such a hurry to do it, that he said if they did not get a state-carriage ready in time, he would go in a *hack*. However, he was not reduced to *this* unseemly necessity; but as he was going off, Glo'ster, who was looking out of a window in the palace, cries out, "Who is Silly Billy now?"

After we got to my house, (which my guest admired, *comme de raison*,) I thought it time to be *not semper auditor*; but still contrived what I said so as to get all I could out of his lordship. I ought to add, that he has been a great deal in all parts of Germany, which he likes very much, and which he represents as being *all instinct* with the elements of convulsion. Says he knows Metternich wrote a letter to somebody (perhaps the ambassador) in England, full of the gloomiest forebodings; and *àpropos* of forebodings and ambassadors, H. M. *Reform Bill*, speaking, one day, with the Russian minister, of the state of affairs in Turkey, remarked, with great pomp, "Yes, it must be owned, the Sultan is in a most critical situation." "I wish," rejoined the diplomate, "he were the only sovereign in Europe that was." At the which the other made rather a wry face.

To some remark of mine on the disposition of revolutions (*Saturnia regna*, with a vengeance) to eat up their own children, [Ney, Vergniaud,] as Danton, on his way to the guillotine, expressed it; he said it was strikingly illustrated by the Cato-street conspiracy. "Who do you suppose were to be the *second* class of victims?" Hunt, Cobbet, Cartwright & Co.; the very men who hoped to profit most by a revolution, and, *therefore*, were marked out as stumbling-blocks to be removed by their understrappers. This, his lordship said, he knew from a secret but perfectly unquestionable source, and thinking it might cool Cobbet's ardor to inform him of it, he had done so through a third person; but the reformer only answered, he knew the peril and was willing to encounter it. Occidat dum regnet.

I begin to think seriously of the times; the wax lights burn blue, as from a ghost story,—and it comes to that. For *prophecies* are repeated, and, among the rest, those of old *Nixon*, (not *Nick*,) who lived under Harry 8th, or thereabouts,—which are very strange. These said dark sayings were committed to a book, now in the possession of a great house, which treats them as the disinterred relic of Numa was treated at Rome,—they are deposited in a chest and walled up; but they were formerly better known, and some fragments of their Delphic import are still remembered.

It is 10 o'clock at night. Lord Stanhope, perceiving a thief

in one of the lights, gets up and takes it out. He then takes his leave, shaking me by the hand, and expressing his happiness at having this opportunity to converse with me.

When he is gone, I say to myself, you must be the brother (of the whole blood) of the eccentric Lady *Esther* Stanhope; and are, doubtless, a little "cracked", north-north-west or so. Yet it may be as the German author has it, *mad* but *wise*, for he is decidedly clever.

23*d May*. Rise as usual. Weather delicious. While I am writing my notes of yesterday's conversation, my servant announces Earl Stanhope. Shows him up to the salon, where I soon present myself in slippers, etc. Asks me if I have heard, by the courier to-day, what was the verdict of the inquest touching the killing of a police officer or two, in a late *row* at Cold-Bath-Fields, of which we had spoken the day before; (I had laid immense stress on the result of the proceeding). I tell him no (; but, by the evening papers of to-day, find that the jury thought the *homicide excusable*, or, as *they* express it, justifiable). Talks again of the *fearful* state of England; thinks the present *race* of Englishmen effeminate, may-be owing to *vaccination*—de-*Jenner*-ated. This he said in reference to Lord Valletort, whose deplorable ill-health I mentioned as especially so, considering the beauty of his young wife. He is a stupid fellow, says Lord S., and like the rest of them, as weak in body as in mind, *blasé*, etc. He was one of those whose family interest gave him a seat in Parliament, but whom the Reform Bill *ferreted out* and sent upon their travels. As to Reform, of which we had spoken very often, I don't exactly know what my guest *now* thinks. He voted for it, but when I told him it always struck me, and, indeed, all thinking men in America, as a complete revolution, and Lord Grey's threat of creating sixty peers to carry it, as a glaring abuse of the prerogative, and a death-blow to one of the nominal estates of the realm, he fully assented. But this all the English I have met with do,—Sir Robert Adair, *the* whig *par excellence* included,—and Lord Stanhope told me *he* was of *neither* party. I shall refer this difficulty to Sir Robert, the first time I see him. This by-the-bye. I point to Sir J. C. Hobhouse's defeat as conclusive, and a most remarkable exemplification of the change, and tell them that this very month, perhaps *day*, last year, I had a conversation to the same effect with the brother of Sir John, whom I met with in Carolina. At that time I did not exactly foresee the speedy execution of the poetical justice, by which the rather *demagogic* member for Westminster was destined (like some other inventors of instruments to promote the commonweal) to be the very first *victim* of his own arts. Yes, says he, and that is so true, that to this day the ministry can get

no member of the Commons to accept the vacant Secretaryship of Ireland, for fear of not being *re-elected* by the constituency he has created!! And yet this total alteration of the whole frame of ministerial power and proceeding is only a *reform!*

Tells me he is struck with my (or rather Bacon's) remark, yesterday, about the rebellions of the belly being the worst. He has seen, before, tremendous excitements in England, but, not being prompted by the *malesuada fames*,—so *persuasive*, indeed, that, where it has once established itself, the proverb tells us, the *empty* premises, thus occupied, have no *ear* for any thing else,—they passed away like the effects of a drinking bout. Look at the trial of the queen, for instance,—what an uproar, and yet, soon after, her *backers* were the jest and scorn of lampooners and *caricaturists*. I remark that the juncture, just after the *glorious* peace, when a momentary reaction against revolutions made kings really great men, etc., etc., was very different from this era of jacobinical scepticism, irreverence and audacity.

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After a conversation of three quarters of an hour, (in which I talked a good deal, and especially about the importance of the *verdict* on the unfortunate affair of the Cold-Bath-Fields,) Lord Stanhope takes his leave. I ask him if I shall see him at Court to-day. Replies in the negative; as he leaves Brussels to-morrow, had not taken any means to inform the Court of his and Lady S's. arrival.

Not long after he is gone, comes in Lt. Col. Jeffreys, or Jeffers, a West-India proprietor, who had called on me repeatedly before, to attest powers of attorney, etc. Tells me he is come, this time, to take some *renseignemens* about the United States, to which he has made up his mind to *emigrate*. That he has no hope of Europe, and, as a West-Indian, very little *feeling* of *amor patriæ* for England. We talk of the state of things in that kingdom. Confirms the gloomy representation of Lord Stanhope (, who told me it was the hardest thing in the world to *let* a farm in his part of England, and that he expected soon that the middling classes would *refuse* to pay taxes, and let their property be seized, in the confident expectation that nobody would buy it). Instances it in a friend of his,—a country gentleman, whose rent-roll, ten years ago, was £16,000 a year, fox-hunter, etc.,—that he has lately written to him to beg him, if he go to America, to let him know, for he, too, is in great terror, and would fain save a *tabula in naufragio*. Col. Jeffers tells me, besides his West-India *cidevant* property, he can scrape together 23 or £24,000, of which a good deal is in American stocks now. I lend him a number of the Southern Review, containing an article on Flint's Valley of the Mississippi; and advise him not to be in too great a *hurry* to lay out his capital and establish his

family, after he shall arrive in the United States. Advise him, by all means to go; that it is the only country which has an *avenir*, and the world might well be divided thus,—Europe for bachelors and their *suite;* America for family men and theirs.

Nota.—Tells me Mr. Wilberforce had a West-India estate, which he *sold*,—that he might, with *washed* hands, attack the *title* he had transferred to some less cunning, but, at the same time, I suppose, less holy purchaser.

By-the-bye, I had talked much to Lord Stanhope, this morning, about the *humbug* of that question, which I am satisfied has been, in all its bearings, most superficially considered by our modern philosophers. I was touching upon the subject, the other day, in a conversation with the Count de Robiano, who told me the same views were now in a course of expounding by a French professor, whose pamphlets he has sent me (two) as they came out. His name is De Koux, or something like that, for I attended more to the book than its cover.

Dine at Court. Take Mr. and Mrs. Seymour there in my carriage. None of the corps diplomatique but M. Perier and myself. His S. H. the Prince de Reuss Lobenstein and the Duke d'Arenberg dine there; also, Lady Hastings, with Lady Flora and Lady Selina, who come in later after the *Majesties*. Grand-Marshal tells me to give my arm to Lady Flora: did he know what an *inexpressible* favor he was doing me? Hèlas! I placed her beside me, by way of a return for his kindness, and never was I happier at a dinner party than I was at this,—enjoying, as I did, the charming conversation of this *beau-idéal* of a high-born, accomplished and most amiable English lady. Tell her I have heard the nightingale, and been *disappointed*,—sings certainly with sweetness and at a witching time,—but, when I heard him first, I had my imagination excited by the whole inspired tribe, especially Milton and Sophocles, (Œdipus Coloneus,) and so the *reality* was, or seemed, a failure. I told her the mocking-bird (I call him the "Rossini of birds", for the royal band were at that moment performing a beautiful piece from William Tell,) sings with an infinitely more brilliant and *abundant* music, through many a winding bout of linked sweetness, etc., etc. Talked, also, of Bryant's poetry,—another wild-bird of my country,—whose touching natural notes had awakened her pure sensibilities, and won her precious admiration, and, I suppose, *love*,—for do women ever admire without more or less of love?

Her majesty looking extremely well, and promising a speedy accession to the royal house. After dinner, approach the circle of ladies. The Duchess d'Arenberg (very pregnant also, and, therefore, happy, for there never was a creature more devoted to her offspring,) on the right, and the Marchioness of Hastings on

the left of the queen. Speak to H. M. Tell her I have received a letter from Mrs. Rives, begging me to express the high gratification it gave her to be remembered, with so much kindness, by H. M. The queen seems very much pleased, and tells me not to fail to communicate her satisfaction to Mrs. R. I add, as a proof of Mrs. R's. affectionate remembrance of H. M., that she had named her only daughter, an infant, (of whose *sweet blue eyes*, I say *par parenthèse*, she speaks with all the fond rapture of a mother,) *Amélie-Louise*. Yes, said H. M.; my mother wrote me word to that effect, and I am told the child resembles me. Conversation becomes more general, and I give way to M. Perier. Talk with Lady Hastings. Thanks me for the fine flowers I sent her the other day out of my pretty little garden, etc., etc. In the course of the conversation, I mention that Lord Stanhope has been a good deal with me, and given me a fearful account of the state of things in England; that he seemed to think a revolution inevitable and *impending*. He is not by any means singular in that opinion, said she; I was thinking of buying a house in town, and a person of cool, sober judgment in affairs, advised me to wait for events, etc., etc. By the way, Lord Stanhope mentioned, to shew how distressed people were in England, and, in consequence, how the expensive pleasures of London were beginning to be shunned, that some tradesman informed him he had, on a *single article*, of no sort of importance, (I forget what,) sold £600 less than last year. Letter from Harry Cruger, and some newspapers.

Bad news from the Electoral College. The Minister of Foreign Affairs (Goblet) beaten at Courtrai; the Minister of Justice (Lebeau) at Hay. *En revanche*, Holland has agreed to an indefinite armistice, and the *provisional* liberty of the *rivers*.

24th May. Nothing remarkable; stretched off on a sofa today in the *salle-à-manger*, while my *valet-de-chambre* reads to me the preface and Erminier's Philosophy of Law; and a soothing air breathing all the sweets of my little garden, and whispering in my ear where he stole them. I determined to let my friends in America know how well I am learning to do without them, and to paint in the most glowing colors the charms of the elegant epicurean existence I am leading here.

25th May. Invited *this* morning to dine with Prince Auguste at *half-past* 4. What can that mean? Go there at the appointed hour, and see nobody there but the Marquis de Jumelle. Afterwards Percy Doyle comes in. Prince tells me we shall be *en petit comité*, and he had invited us early to have the pleasure of a longer conversation. Soon after the Seymours come in,—Emily looking beautifully. The Prince shows her the new

catalogue which he has had printed of his very fine collection of paintings. Her name is there, for the *Little Savoyard*,—her first essay in oil, and a very remarkable performance *as such*. Dinner lasts only an hour. After it, Mr. Seymour asks the Prince to let him see "the letter of Madame de Staël." I ask, what letter? We are told where to find it in the *cabinet de livres*. I follow the Seymours through a suite of rooms into the said cabinet, which I find most admirably contrived for study,—silent, sequestered, spacious, having a single window, which looks over a plot of green turf upon the Boulevard near my house, and perfectly well lighted from above. The letter of Mad. de Staël, sealed to, I forget what book,—her own Germany, perhaps,—is produced and *decyphered*, sometimes one of us, sometimes another, finding out the word. It is dated at Vienna, and is full of gratitude to the Prince for the kind attentions he had shown a poor exiled, wandering woman. It is well turned,—not remarkable,—even the hand-writing, though obscure enough, not *decided*. After we return to the salon, the Prince asks me if I read the inscription upon the door of his cabinet. Having answered negatively, I am requested to do so. I go, and find four very well-turned French verses, as follows I *think*:

Ici je suis seul, sans être solitaire,
Et toujours occupé sans jamais rien faire
* * * * * *
* * * et je commande en roi.

The Prince expresses a wish to become acquainted with Lady Hastings, and requests his reigning favorite, (when Hamilton is not there,) Emily Seymour, to *ménager* an opportunity for him, though, he adds, I am almost afraid to offer my *modest* hospitality to one accustomed to so much magnificence. After dinner we all *drive* in the *Allée Verte*.

26*th May*,—*Sunday*. Determine to attend divine service, today, at Mr. Drury's church, where I have a pew, which, on account of the extreme uncomfortableness of the building, I have not visited for some months. Beadle's wife not there; a little girl asks me if I want a seat. Tell her I have one, and follow two persons, who, to my astonishment, are shown into *my* pew, where a stout *unknown* is already installed. Church very full. I am horrified, and tell the child the mischief she has done. Retreat precipitately, and, declining her offer to place me elsewhere, return home. As I pass, get a bundle of Washington papers at the British embassy, brought from the *chargé d'affaires* at London, by the courier of to-day. Nothing but *trash*. While I am writing these lines, Mr. Drury is announced. Makes a thousand apologies for the *contretemps*, which he explains by the *lying-in* of the beadle's wife. I tell him I deserved

it for my long course of sins of omission,—prescription had fairly run against me. Says he saw me, but as he was reading prayers there was no help for it,—though Dr. Parr used, in similar circumstances, to call out, "John, show the gentleman into No. 7 or 10," etc. But *he*, says Mr. D., was called bishop,—a title which he declined as insufficient, saying, "They say I am a *bithshop*, (he lisped,) but *by God!* I am a *pope!*" Mr. D. says *they* (those who live on what others spend, the πολλοι) are delighted with the news of the preliminary treaty just signed at London, and announced in the papers of *to-day*. (Sunday, tho', *remark*, it being the *festival of Pentecost*, we shall have no *journals to-morrow*.) Talks a good deal of the old Court,—the popular (almost too popular) manners of the Prince of Orange, contrasted with the cold and rather *sombre* gravity of the present king, who, he says, was very *unpopular* in England. I ask, on account of his reputed stinginess? O yes, says Mr. D., they tell all sorts of stories about his selling his rabbits, etc., etc. Thinks his popularity here hurt, by having two men so odious as Count d'Aerschot (Grand Marshal) and Marquis de Châteler (Grand Equerry) about him. I mention that the Court is more *stately* by far than that of France. He says it is, then, strikingly contrasted with that of William IV., (*Reform Bill*,) whom he describes as having introduced the freedom of the navy into the palace. But, say I, *he* goes too far the other way; he is always saying something foolish and ludicrous,—and I was going to mention what Lord S. told me, that, at a late Court dinner, the American minister being present, he proposed as a toast *Washington* (as the first of men), adding, I wish I myself had been born in America,—and so, said Lord S., do many of his subjects!!

Find myself embarrassed with an odd difficulty. When Mr. Davezac was here, he told me he wished to present to me a certain *quidam*, whom he described as a correspondent of the newspapers. God forbid, said I,—the last acquaintance in this world I should like to make. And there, as I thought, was an end of the matter. But when are sinners safe! Yesterday, a card is sent me with this inscription: "Mr. —— T********, rue de la régence, No. 28, (de la part de M. Davezac)." I ask my footman who brought it. The person had delivered it and instantly retreated. I thought it might be some young American, for some of them have *sent me* their cards *en passant*,—God knows with what secret purpose of their own. However, I am puzzled by the address, there being no public *diversorium*, to my knowledge, in the *Rue de la Régence*. I ask Mr. Seymour, at dinner, if he knows of any such person among the English here. No. On my return home, my *valet-de-chambre* hands me a bundle of New-York newspapers, which I open, when out falls a note. I open, read and identify the writer, Mr. —— T****.

****, as the person mentioned by Mr. Davezac, and the very scribbler, signing himself X. Y. Z., in the New-York Courier and Enquirer, whose false representation of things, and, especially, whose exorbitant passion for turning mole-hills into mountains, I thought I had remarked before. He tells me Mr. D. was good enough to say he had mentioned his *name* to *me* (though he does not say that Mr. D. had mentioned my *name* to *him*); that Mr. D., when the said newsmonger was at the Hague, had furnished him with several valuable *hints* for the performance of his "professional duty"! as a correspondent of a New-York and London journals—(the Times). This I took to be a very *broad hint* (and *valuable*, too, in its way); that he desired me to serve him in the same way here, which, considering the perfect confidence with which Sir R. Adair communicates to me every thing known to him in a *diplomatic* way, would be very *good* of me, to be sure. Having dropped this significant insinuation, the *accident-maker* proceeds to say he has just received a file of New-York newspapers, (which he begs to place at my disposal,) and that *that* incident had reminded him of the (solemn) "*promise*" [*duty* again] he had made Mr. D. to become acquainted with me as soon as possible,—which is paying me a high compliment, I trow. He concludes by asking me whether, should I be informed of Mr. D's. arrival at Naples, I would not let him know of it, for which he has the honor to be my most obedient servant. *Je suis votre valet*, as they say in the French farces. I happen not to be a *blanc-bec*, thought I. Having travelled much when very young, I have the *caution* which that experience never fails to give; and, "of all men, else, I have avoided thee," anonymous hireling, whose line-paid lies serve no purpose in the world but to feed vulgar malignity with false ideas of the weakness and misery of its betters, and with hopes, destined never to be fulfilled, of revolutions in its own favor. And yet this accursed race of Thersites', who should be abhorred both of gods and men, are sure to make up to an American in Europe, and have too much reason to do so,—just as if, because we live under and *prefer* a different form of government, we had declared war, like so many Barbary pirates, against all the laws, usages, property and establishments—and, with that, against all the honor and decency—of the civilized world; and could find no society to suit us, but—the "fit audience, though few"—the *refuse* of all the world besides. Still, it won't do to offend men who think their impertinences civility, and mean them as such, and a newspaper editor and news-maker, above all,—for there is not a more fearful wild-fowl living,—*Lupum auribus teneo.* So, as this *varlet* is come for *diplomacy*, give it to him; which I accordingly do in a letter, exactly *adjusted* to his, so as to bind myself solemnly to have the pleasure of informing him, should

I happen to hear of Mr. Davezac's arrival, (which, however, I add, is by no means probable,) and to acknowledge the liveliest gratitude for his favor in sending the papers, which, without taking his hint about "hints", I send back to him, only *enough* read to see several pieces dated at "the Hague", and signed X. Y. Z. By the way, what is become of that *great prophet*, O. P. Q.? who, because Charles X. fell according to his predictions, turned his face towards Neuilly and prophecied again; but hélas! the *row* of June 6th came and is gone, and there sits Louis Philippe still, and there he *will sit*, like Theseus in Virgil's hell. Sedet in æternum.

Very cold for the season. Mr. Seymour goes out with me at 7, *en calèche*. On our return we are glad to sit by a fire.

27th May. Before I am out of my bed-room, my footman hands me a letter and a printed roll of papers. The address of the letter authorises it to be opened by my "Secretary", if I am not there. What the deuce means this impatience? I break the seal, and see nothing but a letter for Mr. T********, "Correspondent of *the Times*", and a line giving me to understand that this draft on me for a *florin in postage* had been made by a "friend of Mr. Davezac", and, I *suppose*, of LIBERAL *principles*. A specimen this of their way of confounding *meum* and *tuum*, which confusion is undoubtedly at the bottom of most of the *Reforms* now in contemplation,—St. Simonianism dressed *en bourgeois*. Enclose it, and *send it en blanc*. By-the-bye, this reminds me of a certain "Sir Arthur Brooke Falconer", that sent me a letter once to be forwarded to Mr. Davezac. I did forward it, and, in the fulness of time, was favored with a *call* by this knight, (who looked so confoundedly like a *Chevalier* of the most noble and universal order of *Industrie*, that I did not trouble him to sit down,) inquiring with a touching parental solicitude after the fate of his offspring. I told him I had sent it by the courier of the English embassy to the American legation at London, to be forwarded to its address, all direct communication having been cut off. He "Excellency'd" me up to the skies, and apologized for troubling me, but gave me to understand it would not do for *him* (who, albeit unheard of by me, he signified, was not unknown or unobserved in these parts) to be known to be corresponding with any one,—that he was *très lié* with Mr. Davezac, with whom he concurred in political sentiment, etc., etc. He bored me to death with the same inquiry afterwards, but as he got nothing but a dry negative every time he *rang*, his attacks gradually became less frequent, and, at length, died away. One day I asked Sir Henry Seton if he knew any thing of a brother in chivalry of the name of Sir Arthur Brooke Fal-co-*nere*. "What," said Sir Robert Adair, "has that fellow been at

you too?" Wherefore Sir Henry tells me he too has a "professional duty" to perform,—to wit, that of a book-making traveller; that he has already published something about this country and Holland; that, living here when the Court was less fastidious, and being supposed better than he was, he had been invited to dine there; that he presented himself in the oddest costume imaginable, *pea-green coat*, yellow breeches, etc., with a thundering bow of crape on his right arm (the Court being in mourning); that, hearing the Grand-Marshal had taken great offence at his *fancy* toilette, he had written a letter expressing his astonishment that Count d'Aerschot should think *that* unbecoming, which appeared to *him*, the said Sir A. B. F., so particularly well suited to the occasion; that, among other things in his book, he had mentioned the *royal table* as *being very well* indeed, for A BACHELOR'S BOARD !! etc., etc.

Tell my *valet-de-chambre*, when he comes to shave me this morning, that I am very much dissatisfied with him, and, in short, that I must make another arrangement. He begs I will not dismiss him *in disgrace*. I tell him he shall still *shave* me and read to me the newspapers and Spanish. He seems quite satisfied.

Go out *en voiture* at 3. Stop at *Summerhauzen's*. Go thence to the fair in the Grande-Place. Get down and walk among the booths, full of *trumpery*. Stop at a stall; cheapen some books—Madame de Deffand's Letters to Horace Walpole. He asks 15 francs; I offer 5 florins, and get them.

Drive in the *Allée Verte* in the evening. Still cold and glad to get back—*enrhumé*. Go to bed at 3-4 past 10.

Opened this morning a German grammar, and got some idea of the pronunciation and characters. Don't think it will be difficult for me.

28th May. Col. Jeffries, the West-Indian, comes in. Returns the Southern Review (No. 3) and American newspapers I lent him. Says he is charmed with the opportunity of reading these: is all agog about America. Talks about the emancipation bill, etc., etc. As he is going out, Mr. Irving, cousin of Beaufain, comes in. He had sent me, the day before, the ministerial *projet* and voluminous minutes of proceedings between H. M.'s government and the West-India body. Says the plan of Mr. Stanley is too absurd for discussion, and will not be acceded to by the Jamaica legislature, of which he has himself been a member. But, I ask, what can they do? Declare themselves independent, says he. How long can they stand by themselves? Not at all, says he; they will immediately pass a universal, unqualified emancipation bill themselves. Then what will they gain? They will not be obliged to pay their *English debts*, which the in-

demnity will be wholly insufficient to cover. Indeed, the ministry (who, having belied all their professions and disappointed every hope which the people had conceived from the adoption of Parliamentary Reform, are very ready to throw the West-India interest, properly so called, overboard, [*vile damnum*,] as a tub to the whale) have just allowed what they imagine will satisfy the mortgages. They rate each slave at about £20, and give nothing *at all* for the land, of which the act destroys totally the value, and all the fixed capital that perishes with it in those expensive establishments. I tell him that, from the cursory glance I have cast over the *projet*, it seems to be a plan for turning the West-India planters into so many compulsory schoolmasters for civilizing the negroes, whom, meanwhile, they are bound to feed and clothe at their own risk and peril, in a country which is everlastingly beset by famine. He observes that some years ago the planters would have accepted almost any terms, for the *glut* in the market and low prices had made their estates a mere burthen; but that, of late, things have been visibly mending, and that, owing to the cessation of the slave trade, they promise to be still better. In short, they now yield a very good income. (Col. Barclay, here, told me, some time ago, that in which he was interested gave him £7000 last year *net*.) We then speak of the state of things in Charleston and the Southern States generally; mentions that Mrs. Jacob Irving (Beaufain's mother) had written to Mr. Simpson, of the house of Davidson & Simpson in London, a horrid account of the condition to which the fury of faction had reduced society in South-Carolina; that every body that could get away was leaving the State; that she intended to go soon to New-York, and advised her son Jacob by no means to go over thither, as he had purposed doing. En quo discordia cives perduxit, miseros. I told him it was just such a picture as my imagination had sketched for itself, and was, I feared, but too *exact*.

His West-India plan of independence reminds me of the suicides so frequent under the reign of Tiberius, by which gentlemen, who foresaw that they were destined soon to be victims of the tyrant's vengeance, escaped from an ignominious end, and, what was yet worse, from the *forfeiture* of estates that followed a judicial sentence. *Quære*—Were not such *suicides* matter of *duty?*

Mr. Irving told me he heard I had said to Mr. Jeffreys that the Southern States were about to liberate their slaves and send them all to Liberia. This strange misapprehension shows how very cautious people ought to be in conversation with strangers, and especially in *repeating conversations*. I explain the error,—distinguish between the situation and feelings of South-Carolina, Georgia, etc., and the States further North, Maryland, etc. Tell

him that Virginia has always been averse to hold negro slaves; that Mr. Jefferson had, in the original draft of the Declaration of Independence, inserted a *clause*, alleging the forcing these poor wretches upon the colonies against the will of these latter, as one of the *motives* of their separation from the mother country. He is struck with this; begs me to state it in writing, that he may send it to Mr. Barrett, Speaker of the Assembly of Jamaica, who is now in London looking after the interest of the colonies. I tell him I had written an elaborate essay on the subject, in which my object was to state the case of the South fairly; look for it, but find I have lent it. Tell him I will try to get it, and send it by Sir Robert's courier to Mr. Barrett's address. Takes his leave urging me to do so. Accordingly I send to Mr. Drury, who lets me have his *number*. I write a note to Mr. Barrett, anonymous but *una salus*, etc., *envelope*, seal and address the parcel to the care of Mr. Vail, chargé d'affaires in London,—but after all do not send it. The *wrapping-paper* (all I happened to have) was bad, etc. This inspired me with a certain *dégout*, and then another came, etc., etc.

Dine at Sir R. Adair's. Small party for such an occasion. Three of the ministers, Goblet, Lebeau and Rosier, the Duke d'Arenberg, General Nypels, Messrs. Fitzgerald, Butler and Seymour, General Desprez, Perier, Des Voeux, Doyle and myself. Grand dinner, however. The king of England's health, *porté* by the Minister of Foreign Affairs, and H. M. Leopold's, by the English ambassador in return. I sit between Goblet and Lebeau. Had more to say to the latter than I have ever had before. Talk of Bonaparte: Gen. Desprez says he had very little *knowledge* (connaissances positives); knew the *elements* very well, but that was all. Goblet mentions that he used to see him in 1803 and 4. He was then a boy at school. Bonaparte took great pains to win all young people, and, from the highest to the lowest classes of the academy, he came into personal contact with the *boys*,—to please them he rated and insulted the masters, whom he would afterwards indemnify by presents, etc. We talk of his influence on the progress of civilization,—thence to the times we live in, which both Lebeau and Gen. Desprez lament as characterized by contempt of all order, subordination and authority. (In this point of view, Lebeau says he regards the revolution of 1830 as a *grand malheur*, nota). Both seem to insinuate that Catholicism is gaining ground. Desprez asks me if it is not so, especially, in America. I tell him undoubtedly, in a *certain sense*,—*not*, I think, by the recovery of *lost sheep*, but by gathering into large masses and taking care of the once scattered, neglected and rotting flocks of the faithful. But don't they make many proselytes? he asks with vivacity. I tell him Bishop E******, a great fisher of men, has sometimes drawn up a gudgeon, and so

others may, for aught I know; but, in a country where there were so many sects and such *propagandisms*, a few instances of the kind made no noise. They mention that, in Germany, many *professors* and *literati* had lately given in their adhesion. Mr. Fitzgerald, who is opposite, mentions Tom Moore's recent conversion, and then recalls some of Master Little's former blasphemies; e. g., he heard him explain the worship of the Virgin in Italy, etc., by the analogy of the influence of a Cardinal's *mistress*, etc.

Mr. Lebeau says, *àpropos* of the United States, that it is a *prosaic* country. I tell him all happiness and order are necessarily prosaic. Aristotle says your hero must not be a *saint*. What poet has ever been able to make any thing of heaven; what romance-writer ventures to go further than the marriage ceremony? Compare Paradise Lost to Paradise Regained, the *Paradise* of Dante with the Inferno, etc. But don't despair; things are growing tragical enough with us.

After dinner, Duke d'Arenberg talks a good deal about the incapacity of the Belgians generally for the higher order of employment; (they were all gone, and only English left to hear his dissertation). Says the capital error of the king of Holland was that, seeing his southern subjects were *fools*, he was not content to turn his knowledge quietly and cautiously to account, but must need make *them feel* and *confess* their own deficiencies. Going down stairs, he tells me, if the revolution had not taken place, *all* the commerce of the Low Countries would have centered *here*. What, then, has Belgium gained, except the honor of filling her armies and bureaux with her own *incapabilities*, according to this.

Throw off my court dress and go *en bourgeois* to a party at the Miss Heyland's,—given in honor of the *very* ugliest English woman (by-the-bye, she is Irish) I ever saw, an old maid, by name Lady ——— A********. Am presented to her frightful ladyship, and, as I do not perceive that any body is observing me, talk to her some moments. Miss Doyle looking beautifully; both she and the Countess de Béthune in *hats*. Dancing to a *piano-forte*. Very pleasant *soirée*. I *leave* at 12 and go quietly to bed, but not without thinking how easily a well-disposed Benedict might be *suited* in this charming English circle.

29*th May*. Nothing of any importance happens to-day, except that, in consequence of the dissatisfaction his frequent absences have occasioned me, my *valet-de-chambre* is *honorably destitué* of that station and *foris-familiated*. Hereafter I promise to retain him as my barber and *Spanish reader*, with a small allowance. *Mem.*—A silver piece of three florins, which I received with a *rouleau* of *demi-guillaumes* at my barber's yes-

terday, is *non est inventus*. It is the very *first* time I have left my money in the way of servants, (who ought not unnecessarily to be led into temptation,) and I am admonished not to do so again. I am exceedingly uneasy about its disappearance, and do not know what to think of it.

In driving out after dinner, take up the Rev. Mr. Drury and his son. Conversation about England, English, and so forth. Asks me if, with my opportunities of seeing his countrymen of all ranks, I don't observe a marked difference between the nobility and their more humble imitators among the gentry and *nouveaux riches*. Tell him I do; the ease, grace and *amabilité* of the former being the natural consequence of ascertained superiority and great *usage du monde*.

Read, yesterday and to-day, some letters of that old witch, Madame du Deffand, to Walpole. After the horrible barbarity exercised by the Court upon poor Lally, had they any right to complain when their turn came to sit in a *tombereau*, for even the Jacobins never used the *gag* or thought of *torture*.

Take a walk on the Boulevard at 10 o'clock; lovely moonlight.

30*th May*. *Valet-de-chambre* continues to read to me Gil Blas in Spanish while I drink my tea at 10 o'clock; and, at 1, *Erminier's Philosophie du Droit*. This author, who writes himself *Professeur de l'histoire générale des Législations comparées au Collége de France*, has published an essay *de omni scibili* under the above title,—odd mixture of German rhapsody and *St. Simonian* licentiousness. He thinks *war* the sovereignest means of propagating civilization and liberty, and that Napoleon was the only great captain (except, of course, Mahomet & Co.) who saw this sublime discipline in its true light and used it for proper purposes. He thinks France *entitled* to the barrier of the Rhine, for, in *his* philosophy of law, there is obviously a confusion of *libet* and *licet*. These are the *ideas* of "young France"!

Go out *en calèche* at 3 o'clock; return at half-past 4; at 6 dine at Court. A new importation of English. Grand-Marshal presents me to Lady W********* G*****, and begs me to hand her to dinner. I converse with her and a tall, stout daughter, with a sort of tartan-silk head-dress, that was not unbecoming in so strapping a lass, and gave her a rather characteristic Helen McGregor look. Find the mother a good soul, who is just come from a *tour* of the Rhine and as far as *Paris*, where "G*****" (who had it in his power to do the king of France some service when he was in exile) was received at Court with all possible kindness. *Wife* charmed with the queen of France and Princess Mary. From her *wonderment* and satisfaction at every thing, I

infer she has not seen much of the world before. After waiting a long time, king and queen appear. Some presentations to their majesties. At dinner, I place Lady G***** on the right of the *Sérénissime* Highness Prince de Reuss Lobenstein, who is on the right of the queen. Miss G***** is on my right, and Seton next to her. At table keep up rather a spirited talk with her Caledonian ladyship, who tells me they are not at all related to Lord Byron. She plied her knife and fork with considerable activity, and was disposed to get the *start* of the "*majestic world*". A dish of *cotelettés au naturel* was before us, waiting *coolly* its *turn* to be *served*. Her ladyship, who has just dispatched what was on her plate, pushes it a little towards me, and asks me "if she may trouble me for a cutlet." I don't seem at all surprised at this shocking anachronism, (by which I am utterly horrified,) but tell her that they will be presently handed by the *maitre d'hotel*, adding that I had an eye on them myself, for I thought that, after all, there was nothing like a *chop!* As Guleston in Pelham says, what *can* be made of a people that don't know how to eat a dinner; but what a joke was spoiled by my *sang-froid!* Figure to yourself a *diplomate* putting his own fork into a dish at the king's table, to help a Scotch lady to a chop, upon a plate from whose shining (though unwashed) face a previous holocaust has obviously disappeared!

On the other side of me, Miss G*****, in a very audible, and, indeed, rather sonorous, though not disagreeable voice, is chattering fashionable scandal with Seton,—whose excess of appetite for that savage food grows on what it feeds. I think I never saw any biped with a beard so *omniverous* of slander, and no harpy ever let out what it devoured in fuller, *fouller* or more frequent discharges. At table, he is talking about *Murat*,—whose wife, he mentions, *loud enough for me to hear*, (he wishes to call my attention,) is an *American*. This leads to some inquiry, what sort of person, etc., from Miss G. Among other things, he mentions he heard her say that every king and queen in the world ought to have his or her *throat cut*. This, which was probably uttered as an innocent pleasantry in reply to some gross badinage of his, for his style of conversation with women is of the most impudent and unvarnished character, (e. g., he said to a young lady who had been unwell, in his shrill treble, 'I suppose you drank too much of that sour lemonade, and it gave you a pain in the bowels"; and to Madame Murat herself, as he told me, he put the question, whether in her country every free man had not, of course, a right to kill his own *nig-gur*,) he represented as the serious expression of an atrocious sentiment.

Miss G***** mentions that Mrs. Shelly got from the Guiccioli, when she was in England, the other day, a *memorandum*-book of Lord Byron, in which he lampoons and ridicules poor Rogers

in a frightful manner, and has it *published*—the *wretch!* But what a heartless, hypocritical scoundrel Byron was!

Sir W. G***** came up to me before dinner, and held a long conversation with me about America and the West-Indies. He talks like a worthy, sensible man. I tell him of an impostor who, nine years ago, passed himself off in America as his son. Says he heard of it, through somebody that had lent him money.

Soirée long; don't get home till 9. At half-past, go out *en calèche* and take a drive in the moonlight, on the Boulevards, until half-past 10.

I ought to have mentioned that, for the first time in my life, I conversed with an *unfrocked* abbé, M. ———, member of the Chamber of Deputies, who soon gave me to understand that he had made the most of the *sæculum* when he was in it, having been a banker at Antwerp and a great and successful speculator in the funds. Tells me the priests did not *make* the revolution, but have *saved* it. Asks me about his church in America, etc. Tells me a good many Belgian priests are there, and pleased. Says the King of Holland discouraged their missionary *emigrations*. I tell him it reminds one of Charles I. stopping the ship freighted with future rebels and regicides,—Cromwell, Hampden, Pym, etc. Ask him if any of the *priests* are *really* republicans. Says the young, unfledged scholars, full of the romances, called history of Greece and Rome; a fine thing in theory, that same *république*, says he, *mais ça ne vaut pas le diable dans la pratique*. He turned priest from the loss of his wife and only child, and the touching occasion of his taking the robe was making me very sentimental about broken hearts, religious exaltation, consolations from above, monastic life, etc., etc., when my talkative and rather weak, and, I suppose, *vain*, little abbé, let it out, that, having somewhat of a *talent* at preaching, he was doing some good. Hélas! the Archbishop of Granada and his homilies flashed into my mind, and the dream of romance vanishes at the touch of my Ithuriel—Gil-Blas.

31*st May*. The month ends with very fine, but very dry and rather cool weather. Invited to dine at Prince Auguste's to-morrow, at half-past 4,—proof that it will be *en petit comité*. About 2, receive a note from Lady Hastings, requesting me to call after my evening's drive. Thinking there would be something of a party, did not go till near 10; the which I regretted, for there were only the Fitzgeralds, Seymours, Frekes, and Des Voeuxs and Sir H. Seton, who went (all but the Des Voeux's) about half-past 10 and left me alone with my happiness, *tant mieux*. Had a long talk with Lady Adelaide, who is *droll*. Tells of a fight that occurred at one of the *pic-nics*, that are all the *rage* now; the publican and his men and neighbors, against

the *valetaille* of the pic-nickers,—which said *racaille* forfeited their wages, by giving up the field without striking a blow,—all except an Irishman, servant of the Calderwood's, who stripped to it with true Hibernian spunk and defied their combined forces. I asked what became of the knights themselves during this momentous scene. Kept aloof, on Don Quixotte's principle, leaving their *squires* to do revenge themselves, as they might, upon the belligerent *churls*. (Afterwards find this was not exactly the case.) Fighting is *à l'ordre du jour*. Mrs. Seymour tells me of a conflict *à l'outrance* that occurred yesterday in their premises, between their fat landlord and the allied arms of two maid-servants of theirs, one of whom came off with a *black eye*, which she had purchased or paid for by a scratched face of the said landlord. Nobody interfered, it seems, during this singular rencontre, nor has *la justice* interfered since. One had need be on his guard against these Amazons.

After the rest were gone, Lady Flora and Lady Selina sang sweetly. I stay until past 11, and take my leave with regret.

Lady Charlotte Fitzgerald asks me how my name ought to be pronounced. I tell her *Legree*,—but *Legaré* is so convenient here.

Thus ends the month of May. Am I wiser or happier than at the beginning of it? I humbly trust that I am both (for true wisdom and happiness are *one*). Hélas! γνωθι σεαυτον. The spirit of philosophical research,—the thirst for permanent and *great* renown among those who have done something for the dignity of human nature and the happiness of their fellow men,—have, I know not how, sprung up afresh in my mind within a few weeks past, and their inspiring impulses are, I am sure, about to triumph completely (as they have before) over my *evil genius*, the soft epicurean "indolentia" that so easily besets me. (1 Sept. Never was confidence so ill bestowed!)

June 1. Study, etc., as usual. Weather less cool; take a warm bath in consequence. Receive the visit of Col. Nixon, just returned, after five months absence, from England. Ask him how things are going on there. Answers very badly; every body gloomy and alarmed; thinks there is a plentiful lack of brains in the cabinet. Duke of Wellington cheered lately by the populace at some great military review. West-India scheme of Mr. Stanley condemned, out of Parliament, as impracticable. While he is with me, Casimir Perier comes in. Invites me to a *soirée* at his house this evening. Dine at Prince Auguste's: only the Seymours, Marquis de Jumelle, and a Mr. ———, renowned as the best *connoisseur* in pictures in all Europe (I understand). Remarked by somebody that Flemish pictures are more sought after than Italian. Accounts for it by the difficulty

of getting a *true* Italian *chef d'œuvre*, and its dearness, if its genuineness be established. After dinner take a drive towards Forêt, and get down to walk up a hill on which there is a fine wood. Hear the *cuckoo* for the first time (I think) in my life; monotony not unlike that of a kind of dove I have heard in the backwoods of Carolina. My servant tells me the history of this "*bête*", which, he says, builds no nest of his own, etc. I ask why all the other birds don't make war on him. He laughs, and says they do. An annunciation *hélas*. At three-quarters past 9 go to M. Perier's. Every body there, except the new Countess de Latour Maubourg, whom *etiquette* forbids to make her *entrée* into company before her presentation at Court. The Count there, looking as brisk as a bridegroom. Brings me from Paris a letter from Count Stanislas Zamoiska, who informs me he is going to London, whence he will return to Brussels for a short time. Poor fellow,—worthy of his illustrious descent, by every amiable and respectable quality, combining the purity of primeval innocence with the discipline of the most polished circles; the interest I take in him is painfully lively, though he more than repays me for it by his attachment to me, for the last words he spoke at Mr. Seymour's (at whose house he was a constant visiter) was, I am told, "I am in love with that man." Sends me, by Count de Latour Maubourg, a new copy of his uncle, Prince Czartorisky's work on Diplomacy or the Law of Nations, and a little volume about Poland. Enquires after "*our* Emma."

Return from Perier's at midnight *on foot;* lovely moonlight. Ladies all *at* me for a *ball*,—especially Lady Morrin; *plead celibacy*, and the *horror* of being put out of my old ways and having my house turned upside down. However, secretly disposed to *give in.*

2*d June—Sunday.* Intended to go to church to-day, but prevented by the interest I felt in the little volume sent me by M. de Zamoiska. It is called the *Livre des Pélérins Polonais*, and purports to have been translated from the Polish of Adam Mickiewitz by the Count Ch. de Montalembert, under whose name there is prefixed to it a most eloquent and powerful appeal to mankind in behalf of this ill-fated race. I had never read before any thing like a detailed account of the horrible barbarities of the victorious Czar, and my heart alternately burned with indignation at the insolent and cruel domination of this barbarous ruffian, and melted and sank within me when I thought of what his victims have been and are,—the defenders of all Christendom,—knights, like the Cid, whose banner was the cross, and whose blood was offered up for the faith and the freedom of Europe with such generous and self-devoting gal-

lantry. Milton's sonnet on the massacre in Piedmont was in my mind the whole time, and I was frequently surprised by tears and murmured the vow of the great poet,—"Avenge, O Lord, thy slaughtered saints,—their martyred blood and ashes sow, o'er all th' fields where still doth sway th' *accursed* tyrant." Great God! the knout, the mine, the chain, the shaved-head, the confessor refused, the poor orphans hurried away, amidst the cries of their desolate mothers, into an everlasting banishment among barbarians,—all education, even at home, forbidden, etc., etc. Great God! and is it the country of Sobieski that is thus trampled upon by these blood-thirsty and savage, but servile and wretched barbarians, in the face of Europe! and for what?

Of the poem itself I can scarce venture to form any opinion, for I have only read it in a translation. It seems to me to be too bold, bordering almost upon profaneness; but there is something striking in the idea of identifying the progress of liberty with that of the Christian church,—the sacrifice of Poland with that of the Pascal Lamb,—and the virtues necessary to her ultimate triumph, with those which shone forth among the fiery persecutions of the apostles and their first disciples. One thing must be admired,—the author is *right* in preaching the humility which is of the essence of the wisdom that is from above; and there is no hope for liberty but in the progress of Christian civilization. Between the despotism of autocracy on the one hand, and of jacobinism on the other, tossed alternately from one to the other, where, else, can we find a spot to rest the soles of our feet upon, so as not to sink down in the "Slough of Despond."

Receive an invitation to dine at Mr. Seymour's at 3; some friends from the north of Ireland having fallen in upon him unexpectedly. Go there accordingly, and meet a Mr. Foley, (cousin of Lord Foley,) his wife and sister-in-law,—all upon their travels—the ladies for the first time. Talk rather loudly and hoarsely, but good, sensible, sound English minds and bodies. After dinner take a drive, Mr. S. and Mr. F. accompanying me, while the ladies from the windows of the upper story (we remained at table after them, *à l'Anglaise*) reproached us, very justly, for our *égoisme*. Return and pass the evening there. Col. Count Prozynski comes in and has a long conversation with me; has faith in the fall of *thrones*,—not immediately perhaps. Asks me to lend him the book Zamoiska sent me. Tell him I will as soon as Miss Seymour shall have read it. Walk home at half-past 10, and observe that clouds are gathering in the South; evening sultry; and so some hopes of relief from this distressing drought.

3*d June*. Not disappointed: when I look out this morning, see the earth *wet*, but find afterwards that the shower has not

been sufficient. Walk out, at half-past 2, to my banker's; draw on *London* for £200. Visit a pretty China shop: talk of a *service de dessert en paysage*. Find it rather warm walking; but, driving after dinner, it was so cold that I was glad to get in again. Evening, small dancing party at Mr. White's, where I am introduced to Madame de Latour Maubourg, who is *très gentille*, though rather *small*,—hair *à la Grecque*, very simple and becoming,—grave look for a French lady; but I am disposed to like and *do* like her. Party insipid enough to me; more rain to-night.

4th June. At half-past 11 take my *first* lesson in German from a Mr. Harkan, whom I suspect of being a Jew; he seems rather astonished at my being so *au-fait* (from my knowledge of various other languages); he is to come every other day, and should the weakness of my eyes continue I will employ him as a reader. At 3 go out; call on M. and Madame de Latour Maubourg, Mrs. Des Voeux, (wife of the English attaché, and daughter, it seems, of the late Lord Ellenborough,) Col. Nixon, Lady Charlotte Fitzgerald, and Mr. Taylor and his family. Lady Charlotte invites me to pass to-morrow evening at her house. Lord Hastings, I suppose, is to be there. Meet Mr. Taylor and family coming out *en voiture*, as I drive up towards his house. See the Seymours on foot, returning from the same expedition; get down and walk with them. Mrs. S. delivers me Lady Charlotte's message, just mentioned. Speaking of marriage, tells me I should not be so much invited about if I were not a *bachelor*, and advises me not to give up my privileges. On my return home, receive a letter from the department of foreign affairs, accompanied by Mr. Marks' commission as consul at Ostend, and an *exequatur* for him. Write to Count Zamoiska and the Barings. Fine rain at night. Hear, but have not felt, the *gnats*.

5th June. Begin to think seriously of giving a *soirée dansante*. Mr. Butler calls with Mr. T***** B******, nominally a Boston man, but *really* any thing else. Hands me a letter from Mr. Vail, chargé, etc., at London, whom I know as well as I do the man in the moon, except that I never saw him. I had heard of Mr. B****** before, and had a letter to him from James Rose when I came here; but he was gone back to England. Is now travelling on the continent for the improvement of his children, about whom, by-the-bye, he proses horribly. Face indicates a *bon vivant*, flushed with a purple grace. Tells me he has heard much of me, and that the English here like me better than my predecessor Hughes, (who was a great favorite,) although they say I am a very different person. He is scarcely gone when Mr. Taylor, and his son-in-law Mr. Lee, (a

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very gentleman-like person,) call. They are to dine at Prince Auguste's to-day; the company all new comers,—Count and Countess de Latour Maubourg, the Des Voeux, etc. At 4 walk out to get some cards of invitation printed. After dinner, call in my carriage and take Mr. T***** B****** to drive through the forest of Soignes. The recent rain has made the country and the woods delightfully fresh. At three-quarters past 9 go to Lady Charlotte Fitzgerald's, where I am presented to Mrs. Taylor and the Marquis and Marchioness of Hastings. He is a tall and well-looking young man, apparently of about 27 or 28, with a decidedly patrician air and address. She is lively, talkative, with a certain confidence and even boldness in her manners, at the same time, when she took up the guitar to sing, (she sang a German air very prettily,) she told me to remark how her very fingers trembled with fear. Mrs. Lee sang, also, several German airs,—one of them charmingly. Miss Freke's Italian song not bad. Mrs. Freke invites me to her house on Friday, and Lady Hastings to-morrow. Mr. Fitzgerald presented Lord Hastings to me, by his lordship's request; for I *never* (unless it be inevitable) make an advance to the English or my own countrymen.

In driving, Mr. B. tells me he finds the United States *triste*, and repeats what Lord Lyndhurst said there some thirty-five years ago: "This country is *rustic*, without being moral". Talks to me again of the pleasure he feels in the reputation of *our corps diplomatique*. Proses horribly, though he seems a good creature. Concurs in the gloomy views of the present state of England, but not quite so *tragical* as the others. Thinks the *debt* will go; but doesn't apprehend any attack on property, though, he says, nothing can be so ferocious and unfeeling as the *under* classes of English. Party given at her lodgings, by Miss Cramer, to which I am not invited; I think I can guess the cause.

6*th June*. Go out at 3. Call on Miss B******,—a nice girl; promise to make up a *soirée* for her. Call on Lord Hastings. Dine at Court. Meet him there again with his lady. She was Lady Grey de Ruthven, a peeress in her own right, with some two or three thousand a year; very much spoiled, her parents having died when she was young, and living with a deaf guardian, or something of the sort, contracted the habit of talking very loud, and, what is worse, talking *politics*. Lord Hastings himself is the quietest creature in the world, and has *changé tout cela*. She has a little terrier, named ———, which she makes a great deal of, kisses, etc. When the singing was going on, at Lady Charlotte's yesterday, this little brute was set upon a small table, where it stood stock-still and looked with the most

edifying gravity. At dinner she sat next the king; the Duke of Orleans had Lady Wm. Paget on his right. This young Prince is just returned from England, where he has been very much *fêté*. The Prince de Reuss Lobenstein, or the Lord knows what, (he furnishes *seven* men for the defence of the holy Roman empire, and is, of course, of immense consequence in the balance of Europe, being as much a sovereign as Louis Philippe,) sat on the left of Lady Hastings,—then Madame de Stassart, between whom and Mrs. Taylor I was placed. Find the latter an amiable *English* lady. Tell Lady Wm. Paget I expect to see her at my house, and count on her keeping up the *ball* with spirit. Seems delighted (she is extravagantly fond of dancing) and promises to do so. After dinner dress for Lady (Dowager) Hastings' *soirée*. Go at three-quarters past 9. *Some* foreigners,—Mesd. d'Hoogvorst, Vilain XIV., and de Stassart, Countess de Latour Maubourg, and Madame du Val de Beaulieu. Talk much with all the young Lady Hastings', and, having passed an agreeable *soirée*, retire last, like Hesperus, with Mr. Des Voeux. On the landing-place of the steps, see Lady Wm. Paget, Lady de Rottenburg and Miss Morris, with Count Lenowski, waiting for their carriage. Offer mine and take them home. Talk of Prince *Ricer's* (so pronounced here) passion for Miss Morris. Lady William and her *mama* say it is all over on both sides; that he is a bore in conversation, insisting on speaking broken English, etc., etc. Return home at three-quarters past 11, and do not get asleep until 1.

7th June. Opening of the Chambers at 12 by the king in person. All the *corps diplomatique* present, and Madame la Comtesse de Latour Maubourg to adorn it. King keeps us waiting fully an hour; it is very warm, and, in a court dress, quite intolerable. His Majesty comes on horseback, with a brilliant *état major*. Received with no great rapture by the crowd, (*not* crowd, for I asked M. de L. M. if the populace had been *écarté* on purpose,) but with a good hearty round of applause within the Chamber. Salutes very politely and takes his seat on the throne, and, having previously *covered himself*, proceeds to read the *discourse*, of which, in the *diplomatic tribune*, we do not hear one single word. The paper seemed to me to tremble in his hand. The speech is short, and we are soon dismissed.

Preparations for my *soirée dansante* turn the house upside down. I am put out of my dining hall, of which they are *waxing* the floor, etc. In the evening, go to a party at Mrs. Freke's; every body there, which saves me almost all my *cards* of invitation. I invite about a hundred people.

Two copies of the speech sent me: fair prospects held out in it. *Surtout*, that no more taxation is necessary.

8th June. Receive a long letter from Grimké about "*Christianism*", and *his* works and views,—provoked by a discourse of a Mr. d'Aubigny which I sent him from Paris; also a letter (in German) from Mein Herr somebody at Frankfort, informing me (as I guess) that he has *expédié* to me twenty-four bottles of Johannisberger No. 1, presented to me by Mr. Marks, consul at Ostend. Mr. Des Voeux calls; talks about Greek classics, etc.; admires my house. I tell him the one next door is also to let. Go with him to see it. Says he wishes he had not taken another. Seems disposed to get off if he can and be my neighbor, which would be very agreeable to me. Take a quiet dinner up-stairs, (dining-room being still in the hands of the invaders,) and after dinner drive out. On my return feel unwell, as if *grippé*,—perhaps only want of sleep, for I have not slept well for some nights.

Should have mentioned that Mr. Serruys, secretary of the Belgian legation at Berlin, and brother of the American vice-consul at Ostend, called and talked a good deal about the state of Europe. He was in Italy during the revolution, and, I *trow*, did not like it much.

Mr. B******, also, called and was admitted (contrabande), whilst I was taking my German lesson, the which put me into no small *fume*, for it drove all the parts of speech pell-mell out of my head.

9th June. Fête Dieu. I go out to see the procession at 12 to St. Gudule (the cathedral). In at the death: see it just as it approaches the church and enters for dismission: banners not very splendid: good music. Wonderful resources, those of the Catholic church, for influencing the imaginations of men.

Warm in walking. Take a bath; better after it. Dine alone. After dinner take a long drive *en calèche* with Mr. Seymour, and spend the evening with his family. They tell me all the gentlemen are begging for invitations to my ball; but Tom, Dick and Harry may go to the devil, for me. Return home early to take a preparatory and *proportionate* sleep. Hélas! "Why, gentle sleep," etc., etc. I was still awake at 2 in the morning,—too hot with a blanket, too cold without.

☞ Anniversary of my departure from Charleston.

10th June. Invited to dine at Prince Auguste's to-day. Call on Sir Robert Adair to ask the honor of his sister's (Mrs. Clavering) company this evening. Says she is too infirm to go out. Shews me his last letter to Lord Palmerston; extremely well written and sagacious. While I am there a lunch is served in another room, (3 o'clock), to which Mr. and Mrs. Clavering come down. I am presented to them, and find her a very amiable

lady, of precisely the same style of manners as her brother. Told me if she were twenty years younger (she is seventy-five) she would come to my ball with pleasure. Presently Sir Robert, after ordering another cover to be laid, goes out and returns with ———, who had been unwilling to present himself. Received with great kindness by his sister. After some conversation, I take leave; as I am going out Sir Robert tells me, in a low tone of voice and with great kindness of manner, that they are going to dine (they four) *en famille* to-day, and asks me, as my house must be in confusion, if I won't join them. Tell him I am engaged to the Prince.

Receive a sweet little note from *my* sweet little Lady William, requesting an invitation for two "*very* good dancers." Write her for answer, that her wishes are commands for me always, but especially on an occasion when she is to have every thing her own way.

Dine at 5 with the Prince. Present Lady Hastings, with Lady Selina and Lady Adelaide, Mr. and Mrs. Seymour and their daughters, Sir George and Capt. Hamilton, the Duke d'Ursel (the Prince's nephew), Percy Doyle, Sir Henry Seton, etc.

Weather very warm. After dinner, I return *chez moi* and repose a little,—then make an evening toilette. At half-past 8, M. and Mad. de Stassart come in. Madame tells me I had not named any hour, and that is 8 o'clock according to Belgic usage. After a long interval, which I contrived to fill up very well by talking and showing them the preparations for dancing, one or two gentlemen drop in; but it was 10 o'clock before the body of my guests, principally English, (about one hundred in all,) come in. As soon as Lady Wm. Paget enters dancing begins, and continues in the most spirited manner until 2 o'clock. I received up-stairs, but they danced on the *rez-de-chaussée*, where every thing had been done to make the thing go off pleasantly and with the greatest success. The ladies cried out a thousand times charming, delightful, etc., and said there had been no such ball at Brussels this many a day.

I had slept very little the night before, and the breaking of my rest another night made me *nervous*.

11*th June*. At rising in the morning (9 o'clock) find it very warm, with the wind blowing a perfect hurricane and driving clouds of dust before it.

Take a lesson of my German master; begin to *possess* the principles of the declensions.

Pass the rest of the day in writing letters to America, to send by the English minister's courier to-day,—my mother, Cruger, etc. Take a walk at 4 in the park; at 5 get into a warm bath; and at *six* dine at Court. Large party,—Duke of Orleans still

there. Mad. de Latour Maubourg seated on the left of the king; Lady Hastings on the right of the duke. Have to go to Court in a carriage not so fine as my own, which is repairing. Return home at half-past 8, and am asleep at half-past 9.

Note. One of the letters I write to-day is to Mr. A. H. Everett, in answer to one of his dated the 26th July, 1832, which, after wandering about like a ghost in limbo for nearly a *twelve-month*, is just come to hand. *Mem.*—Mention in it with horror (and terror for the *avenir* of our country) the ignominious assault made upon the President of the United States, by a brutal wretch of the name of Randolph, lately dismissed from the service. This is one of the things that shew how the *ochlocracy* of the country is going to *work*. There is something terrific in the idea of 10 or 20,000,000 of men *united*, that is crowded together in the same body-politic, each with his hand lifted up against his neighbour, and his foot upon all *law* and *authority!*

12*th June.* Storm continues, but it is grown quite cool. Pass the day most unprofitably. Receive some calls,—from Mr. B******, who can't go for the weather; Capt. Chesters of the British army, who was presented to me at my ball by M. Duval de Beaulieu. He has been a long time in South-America, and gives any thing but a flattering description of its distracted condition; one, in the blessings of which my own country seems so desirous of becoming a partaker.

After dinner go out to drive, and take up Mr. B******. Make the tour of the chateau of Lacken. Find it most uncomfortably cold in returning with our faces to the wind.

At 10 go to a party at M. de Béthune's. Madame looking very pretty. Receive the congratulations and thanks of all the ladies, who say they have talked of nothing else but my ball since Monday; that it has spoiled them for all others, etc., etc. Being still unwell from loss of sleep, return early—half-past 11.

Note. Fresh discontents among my servants,—quarrelling about the division of the *spoils*, I suppose,—having nothing else to do; and, being dissatisfied unless each is allowed to give or sell to his friends what remains after, they are all gorged with the abundance of my house. They are execrable vermin, to be sure.

13*th June.* Take a lesson in German. Receive a letter from Mr. Charles Warley of Charleston, informing me he has shipped a case of Madeira wine to me by a vessel just arrived at Antwerp. In the evening get another from somebody at Antwerp on the same subject. Write myself to Mr. Patterson about it. Payment of accounts of ball,—rather more than I expected; however, the thing *succeeded*, and that's enough. Go out at 3.

Call on Miss Doyle,—out. Dine very moderately; take a drive after dinner and a nap. Go, at 10, to a party at the French minister's. Every body there, but the ball not gay. Ladies all talking of *mine* still. One of them tells me its fame has gone to Antwerp. I am almost the whole evening with the Lady Hastings', especially Lady Adelaide, who has a vein of good-humored pleasantry, which, united with such perfect gentleness, is very charming. In bed at 1, and sleep profoundly.

14*th June.* Send to Messrs. Damoot & Co. for money; they send me back with it a draft on me from Charleston, forwarded by Baring, Brothers—accepted.

Walk out at half-past 2 and don't return until half-past 4; cheapen porcelain, plate, etc. Meet M. and Mad. de Maubourg; tells me her *bouquet* is all *fané*. Tell them I will replace it when I go home, and I do.

After dinner go to drive,—Mr. Seymour with me; "reason high" of government, philosophy, etc. Tell him I think justice has not yet been done to the depth and power of Aristophanes, the great political satirist of Athens. Mention my idea of the "*Clouds*"—that its purpose is to shew that, if men affect to reason about every thing, they infallibly end in *libertinism*,—παντων ζητουντες λογον, etc. etc. Am not very well; go to bed at 10 and sleep soundly.

15*th June.* Another day not very profitably spent. Receive two letters from Cologne and Coblentz, *àpropos* of a case of Johannisberg wine sent to me by Mr. Marks. A Mr. Charles Davis of New-York, a young gentleman, who has been some time in England, calls for a *new passport*. I give him one, and we talk some time about the assault upon the President. He says he is ashamed to look foreigners in the face, yet (such are the illusions of youth) talks in the next breath of our giving the world "lessons", and expatiates upon our navigation and commerce, etc., as if we owed all this *bonheur matériel* to our own wisdom. Says he is opposed to Mr. Van Buren because he is a *democratic* demagogue, and wishes a Southern man elected, with a view to the dignity of the government. He is going to Antwerp. I ask when he will be back, and tell him I shall be glad to see him at a *diner sans façon*.

Dine at Prince Auguste's,—*a diner d'hommes*. Mrs. Clavering there,—the rest as usual; ten persons in all. After dinner take a long drive. Not well,—some lurking cold; go to bed early, or rather lie down on the bed in my dressing gown at 10, and sleep so until 12, when I awake and undress.

Mem. At the Prince's, Mr. Taylor tells me a long story about the Prince of Orange's hostility to, and rupture with, the *corps*

diplomatique, as such; and how he refused to meet them any where; and how Sir Charles Bagot refused to meet him in turn; and how the king interposed; and how Sir Charles (he was an *ambassador*) wrote to his government, who approved what he had done (*comme de raison*); and how afterwards the Prince, in the park, took no notice of his *bow*, etc., etc. This strange conduct of H. R. H. is accounted for by several offences given to him by certain individuals, *ci-devant* members of that body; as, for instance, the Austrian minister's (Metternich's *pimp*, *on-dit*) reporting to his Court a political conversation of the Prince's, which he overheard, and, on its coming back to this country, causing the king to scold H. R. H., etc., etc., etc. This must have been very pleasant indeed for the Court circle of the day, and shews the Prince of Orange to have been a petulant and trifling fool, utterly unfit to be *even* an heir apparent to his father's throne, or to associate with men of the world.

16*th June—Sunday*. Read to-day a part of the correspondence between Jefferson and that worthy representative of the French republic, citizen *Genet*.

Write to my sister (Mary) and to Grimké. Go out in my carriage and make some calls,—nobody at home. Afterwards take a walk in the park. While there fall in with Miss C. and Miss D.; join them and have a long flirting talk with the latter, who is going to Aix-la-Chapelle on Tuesday, and threatens not to come back to Brussels. She is *very* pretty, and I *almost* in love. Shake her hand and press it most fondly; go home and think of her all the evening; promise her a ball, if she will come back, in the autumn.

After dinner a heavy rain; stay at home and write.

17*th June*. Get a parcel from Washington by way of London and Ostend to-day. A Mr. ———, born at New-Orleans, (where he has not been for a long time,) comes to me for a new passport, his own being out of date; give him one.

At 4 walk out in the park with the young Count de Beaufort, who talks to me a long time and agreeably about the Court of Charles X., in which he was a *page*. Says Louis XVIII. told his brother what would happen, if he persisted in construing the charter after his fashion.

Dine at M. Goblet's, Minister of Foreign Affairs, with some twenty odd other victims,—among them Count and Countess Latour Maubourg, Sir Robert Adair, etc.; dinner bad and service worse,—all sorts of China and glass but the right one, etc. But *en revanche*, both host and hostess exceedingly amiable, and sorry I am that this stingy government doesn't allow them something more than the pittance of a salary, for *frais de réprésen-*

tation. At dinner, sit between M. Lebeau, Minister of Justice, and M. Nothomb, Secretaire-Général and author of the Essay on the Revolution. Gives me an account of his introduction to Talleyrand, and dining *en petit comité* at his house in London. Sat next to him and his heart went pit-a-pat. Is still mightily rebuked by his genius, and thinks him a *conjuror.* Talk of Montesquieu, of whose political philosophy I speak slightingly. To my surprise both my *assessors* agree with me, and say no man, that hasn't seen a revolution, or something like it, has a just conception of the "Leviathan." I say *ditto,* and tell them that is just the reason why the ancients knew more about government than the moderns, and democrats are *always* deeper politicians than moralists, etc. Burke I mention as a sort of exception and a prodigy. Nothomb agrees; but, Lebeau says, owing, he supposes, to the translator, he finds it difficult to read the "Reflections." I tell him the translator must have a genius for distortion, for the original is incomparable both for thought and eloquence.

18*th June.* Dine at Court, to-day; ambassadors' day. After dinner (at which, by-the-bye, the music was remarkably good,) the two little ——— boys, apparently about 10 or 12 years, are made to play on the violin in the apartment next to the drawing-room, the folding doors being thrown open. Their performance is prodigious, and not *tours de force* merely, but sweet music, which, I suppose, is *beaten* out of them by their father, more a mercenary than merciful.

In the evening go to Lady Charlotte Fitzgerald's, where there is a little *rêunion.* See Lady Flora for the first time since her late illness. She offers me her hand, which I press fondly.

Letter from Mr. Patterson asking advice officially.

Ferrari gives notice of quitting to-morrow.

19*th June.* After getting through my morning work go to the Chamber of Deputies, where I expected to see some acquaintance, and among them *hoped* Lady Flora would be. Am not disappointed. None of the *corps* being there but Mr. Des Voeux and I, we invite them into the *tribune diplomatique.* Subject before the Chamber, the "address" in reply to the king's discourse. When I go in Henry de Bronetere, the cleverest man of the opposition, is speaking from a paper; good voice, the delivery spoiled by the embarrassment of reading. Mr. Lebeau replies; reads too,—*bitches* a good speech by it. After he sits down, great hubbub about putting the question. Mr. Gendebier rises and bellows for some time with the lungs of a bull. The debate becomes exclusively personal, and very unworthy of the place and the occasion. Mr. Lebeau replies warmly and forcibly *ex-*

tempore; much better than his first speech. Says he has nothing to do with any newspaper. M. Nothomb follows, *screaming* like a woman in a fury; owns that he is concerned in the "Independent", but pleads to the jurisdiction of the House over the press. The House ultimately adjourns the matter over to the next day.

Dine at Prince Auguste's. When I am going to make my toilette, see Mr. Drury (my parson) passing. Tells me Mrs. Trollope is arrived, and wishes to be acquainted with me. Decline the honor. At the Prince's, a *diner d'hommes.* In the course of conversation after dinner, mention that Mrs. Trollope is come. Prince delighted at the intelligence; asks Mr. Seymour to bring him acquainted with her. I tell him it is cruel of him. He says she has so much *esprit* and fun. Asks if I have any objection to see her. I tell him yes. He speaks then of America; says he has never, in all his life, met with any American travelling, except one, about twenty years ago, in Vienna. I tell him it is not that they do not travel, but that they have no means of making acquaintances in Europe. Signifies plainly enough that he thinks Mrs. T's. account to be depended on; excepts, of course, men of learning, who, he says, belong to no country. At last, shakes me warmly by the hand, and tells me, as our relations are quite confidential, I may do just as I please about meeting her or not.

I go away deeply depressed,—not so much by the foolish ideas entertained of us by Europeans, as by the *unquestionable* fact that the present generation are, in every respect, (socially,) less cultivated than our glorious fathers, thanks to the Arminius of our institutions, St. Thomas of *Canting*bury, whose democracy, doubly rectified in France, was breathed with the breath of life into our new-born Constitution,—like a child inheriting the *morbus gallicus* from a debauched father.

Take a sweet and long drive out into the *prairie* at the south of the city, where I had never been before. Hay just mowing. Delicious evening. At 9 go out again and walk in the twilight until 10.

Send newspapers to the government, and write to Mr. Paterson that I have no information to give him on the points stated.

20th June. A case of Rhenish announced to-day as deposited in one of the *entrepots.* I am charged in the carrier's account with *droits d'entrée* and *accise.* Refuse to pay. Send my servant, who comes back with a request, on behalf of the officer of the revenue, that I send a written declaration that the wine is for my own use. Do so. Returns and tells me, notwithstanding this trouble, I must pay the account, the carrier having advanced

the whole amount. Swear I will not, and write to the Minister of Foreign Affairs to claim my privilege.

Attend the Chamber of Representatives at 2, and stay still half-past 3. Missed Rogier's (Minister of the Interior) defence of the *destitutions* of those who, opposing the ministry systematically and violently, still hold on to their offices. Hear Gendebier growling *à l'accoutumée*. Quite a *humbug* this *frondeur*, and very tiresome, besides his unreasonableness. Nothomb next rises, and makes a very good speech for a Belgian. Before he finishes I go off, leaving M. de Latour Maubourg dozing on his hand,—no great proof this of what I say.

Take a bath, and dine at half-past 5 at the French ambassador's, *en petit comité*. Present, Sir Robert Adair, Mr. and Mrs. Clavering, Lady Wm. Paget and her mother, Mr. and Mrs. Des Voeux, Capt. Hamilton, Casimir Perier, and myself. I sit on the left of Madame and talk a great deal to her, about her father (M. Daru), the theatre, modern French literature, (which she dislikes, as I do,—I mean their *romantique* school,) Taglioni, etc., etc.

After dinner take a drive, and at 10 return to the French legation, where Madame receives. Not a great many people. See for the first time Mademoiselle Desprez, daughter of the General; charming young person, about 17 or 18. At half-past 10 or so, the Seymours come in. Madame has evidently heard something spiteful about her daughter Emma, who is guilty of being a sweet girl, with remarkable talents, and very much admired by the admired, without any ambition to please. I have a great deal to say to her, by way of consolation, and remind her of what the wise man says of the fate of those who are generally praised. In bed at 12.

21*st June*. Pass this morning, as so many others lately, *operosè nihil agendo*. This comes of learning German, the which, together with the time I spend in writing this journal, notes, etc., especially re-translating diplomatic papers in to French, consumes the hours between 11 and 2, when I am fatigued, and, if I go out, feel too much *dissipated* to engage afterwards in any serious occupation. Go to Summerhauzen's and buy Wolf's Odyssey and Marten's Guide (new edition).

Dine at home to-day. After dinner call on Mr. Seymour and take him out to drive. Go there in the evening late, and stay half an hour. I had not made them a call for nearly a fortnight before. Mr. Morse, a young American, enters.

22*d June*. Morning as usual. German lesson; while at it two letters come in, one from my sister (M.), the other from Mr.

King,—the latter in reply to my *second* to him. Felt, as usual, excited by news from home. Go out, at 2, *en calèche*. Make a little purchase of champagne coolers, plated, etc. Forward a letter from his father to McMillan King. As I am returning up the *montagne de la cour*, am met by Mr. Drury, who stops me, telling me he had sent my review of Hall's Travels to Mrs. Trollope, whom he points out to me as the "lady in the green hat before us." Asks if I happen to be going to dine at the ambassador's: tell him, *not*. Says he had hoped I was, for so I should have met *her* there. Drive on and pass her. Get down at the gate of the park, near the Hotel de Bellevue. Am reminded by my footman that I am to dine at the Prince's at half-past 4. Get up again into my carriage. As I am doing so, the *Trollope* passes, and, looking at me, I have a full view of her face and form; the former rather comely for her age, the latter stout and gross, the whole person excessively vulgar. Call on Mr. Morse.

Make a toilette and dine at the Prince's. Two *artists* there: Cartigny, the actor and a director of the theatre, and Fétis, the king's *maître de chapelle:* Mr. Seymour, Mr. Taylor, the Hamiltons, the Prince's secretary and I. At table, the Prince asks Fétis what he thought of ancient music as compared with the modern; whereupon, with a loud voice, an artist's real, and, apparently, a good deal of information of a higher order than I expected to find in him, he proceeds to shew that the difference was between the most simple yet refined melody, and the richest harmony of a modern orchestra, etc. I am appealed to about the sources of information on the subject, and mention the collection of the Greek musical writers, published by Foulis.

Mem. I shall look into the matter myself.

After dinner call at Bellevue, and ask Mr. Morse if he and his friend, whom he mentions, (a Mr. Rochester,) will take a drive; they get up with me and do so. Mr. M. is of New-Orleans, whiskered, like a pard and rather tawny, tall, thin and with a nasal twang; in short, I should have sworn him an American at any distance. His *compagnon de voyage* wears a *cap*, and, as soon as he is seated, takes out his *penknife* and begins to pick his finger nails with that useful little implement. Both speak so loudly that I am quite stunned. Talk politics, and, after an hour and a half's drive, I set them down again at their hotel, having previously invited them to dine with me to-morrow: an invitation which they do me the honor to accept, and, bowing *with gravity*, take leave.

At 9 go to the Prince's again, where there is a little *soirée*, with the little musical monsters, the Eichorns, (9 and 11 years old,) whom I had heard at Court the other day. The Lady Hastings, with her daughters *Flora* (hélas!) and Selina, the

Seymours, the Pagets, the Latour-Maubourgs, the Hamiltons, the Des Voeuxs, Seton, the Taylors, and some Belgian *notabilités*. Pass there an hour and a half or so very *blissfully*, and return.

Begin a letter to-day to Mr. King.

I ought to mention that, as I enter the salon at the Prince's in the evening, Seton beckons me to sit down by him, which, after making my salutation to the Prince and the ladies present, I do. He says he wants to *console* me about the Trollopes, with whom he has dined at Sir Robert's, and whom they vote the vulgarest *canaille* that can be. Afterwards hear of her from Mrs. Taylor, who dined there. They say they were less amused with the old *lioness* than with one of her whelps, (or cubs,) Mr. Henry or Anastasius Trollope, who spoke his mind very freely, and told how he had killed an Indian for looking at him, etc. I tell them I should suppose, from her book, that Mrs. Trollope was not a proper person to be admitted into their society. They seem to think so now, yet it is provoking to see the sort of *sensation* she produces here. The Prince is out of the notion of making her acquaintance: *he* says because she stays so short a time, but I *doubt* the Seymours have had something to do with it, for they have shown more sense than curiosity in the matter, which is more sense than others have.

23*d June—Sunday.* Write a letter to Mr. King. At 2 Seton calls. Tells me the Trollope *is* decidedly to dine with the Prince on Wednesday, and that I ought to go to enjoy the sport. Makes some further observations on their vulgarity. Talk about the Mr. Bankes lately arrested for an unnatural crime in England. Says he knows Mr. T******** that called on me, and gives him *negative* information from time to time. Seems to think him rather a decent man for his *profession*. Go out and take a walk in the park at 5. At 6, my two young countrymen come in to dine. Like them better on acquaintance, especially Mr. Rochester, who doesn't talk so loudly as the other, and has not the same strong nasal twang. Tell me they have had their passports arranged so as to go to Holland by West Wesel. At 9 they go away. I take a walk afterwards and sleep. *Nota.* Execrable dinner.

24*th June.* Sir Robert calls and gives me Mr. Nothomb's book, with the Prince's commentary. Mentions that the Trollopes dined with him. Says in all his life he never saw any thing so vulgar as the boy, whose voice drowned all other sounds at table. Mentions his extraordinary story about killing an Indian for looking at him. Says they are to dine with the Prince on Wednesday, and he is to be the *negotiator*. As neither

lioness nor cub speak a word of French, doesn't know what they will do. Grumbles that the ministry are afraid to dismiss a sufficient number of their troops. After he is gone, I go out and visit the *Chambre.* Hear some prosing and retire. Returning home, I read the Prince's commentary on Nothomb. His *résumé* of the revolution and its heroes is very characteristic, and embodies so exactly my own views of them, that I shall copy it, and, with his permission, send it to Petigru.

Dine alone; so long since I have done so, it seems strange to me. Call, after dinner, *en calèche,* for Lady Wm. Paget,—not at home. Take a drive to Feret. Evening delightful. Great fête and dancing in the village,—the *Kermess.* Return and spend the evening at home with a friend, who, it is decided, is to go soon to Paris *pour faire ses couches.*

25th June. Morning as usual. Make up a parcel for America, by the English courier. Letter to Col. Somebody, head of the ordnance department at Washington, from *the* Mr. T********; my letter to Mr. King, and another in answer to one received *this day* from Charles Petigru, informing me there is no hope of his coming to Brussels; a duplicate of Mr. K's. letter at the same time to me.

At 2 go to the Chamber. Find the *séance levée* and the question on the address carried in favor of ministers. Call, in passing, at the *ministère des affaires étrangères,* on the subject of a *second* box of wine on which I am charged duties on the frontier. Tell him I don't care so much about the present instance, but that I want to know what I have to depend upon in *future.* Tells me "the thing ought not to be, and that he will see to it." Thence to the *Port de la ville.* Tell the *directeur* what has passed between the minister and myself; am assailed by the *voituriers,* who say they have advanced the *droits* and are not to suffer. Tell them they can make themselves quite easy as to that, but they will not. I make my escape to my carriage as soon as possible. Return the call of Mr. Firmin Rogier, secretary of the Belgian legation at Paris. Get down at the Park. See Mr. White, who has seen Mrs. Trollope; says her conversation betrays want of education and *usage du monde,* but finds her pleasant, etc. Miss Graham says the MS. was submitted to Basil Hall,—mark that! See Lady Wm. Paget, who comes up to me and expresses her regrets that she was not in when I called yesterday to give her an *airing;* begs I will advertise her in the morning, whenever I have such intentions. Hear Mrs. Northey has been excessively ill of the *grippe;* leave my card and condolence. At dinner, in a very ill humor at the whole economy of my house. Excess immeasurable when I

am alone,—stinted and bad fare when I have company; and that, when the most costly things are in the *garde-manger*, they are reserved for the *gouter* of my servants and their friends. Confound the whole race,—they torment me to death. Call for my butcher's book, which I have not seen for three weeks, during which time I have dined out at least twelve days; find what has been supplied this month already amounts to 185 or 190 lbs. of meat! and that for four *mouths* in twenty-five days, and some *bouillon* the night of my party. Can't stand this.

Take a short drive in the Allée Verte. See nobody! Find that my *cook* is the mistress of a Belgian officer, to whom she must allow rations out of my pantry, for the other servants say she gives them what is *necessary*, and that's all.

26*th June*. Nothing particular, this morning. I am just going out at 2, when the two sons of General d'Hoogvorst come in: very amiable lads. Go out to walk; return at 3. Read the new work of Martens (*Guide Diplomatique*) and Vattel. At half-past 4 take a bath. Thunder and rain. While at dinner postman brings me what I took to be some important letter,—pay 3 florins, open it, and find it an old New-York newspaper! of the 20th last month. Glad to learn from it that the country is full of indignation against the ruffian who assaulted the President; the information dearly purchased.

After dinner drive out; take up Mr. Seymour; rain comes on as we enter the Allée Verte; return; get down with him and spend an hour at his house. Emma beautiful this evening. Dined, with her father, at the Prince's to-day. The Trollopes were there: dinner *en petit comité*. The boy Trollope expresses surprise that people don't eat cats, snakes, etc., here, as they do in America.

I copied one of the Prince's notes on Nothomb to-day, which I found an admirable *résumé* of the manner in which the revolution was brought about.

Hear of a duel between M. Rogier, Minister of the Interior, and the grumbling, bellowing, perriwig-pated patriot Gendebier. They were originally two bakers of the same *farina*, but Rogier has *risen* and is sweet and complacent,—the other having remained, from some accident in the baking, a mere *kneaded* clod (hopper), is turned virulently sour. Their fratricidal combat was not fatal. They fought with pistols at forty paces. *Abel* pulled first, but missed; *Cain* took aim, without advancing ten paces, as he might, and shot his favored brother in the cheek with a *spent* ball, which, having penetrated one cheek, was arrested in its flight by a tooth in the other, and fell without further harm into the mouth; which, I should judge from the

above recital, was open to receive *it at first.* The minister is doing well, and is expected to recover the use of his tongue, for all political purposes, in a week.

27th June. Receive a tremendous bundle of newspapers from *Havre.* In consequence, don't go out at all before dinner. News upon the whole decidedly good. Randolph certainly dead, and the people filled with honest indignation against his nose-pulling namesake, who is absconded, and is said to have sailed for Europe. *Quære*—Won't he too be a lion, like the Trollopes, and wouldn't he be the very thing to complete the *quartette?* Note. The Frenchman who travels with her, besides other occupations not publicly declared, serves her in the capacity of sketcher and caricaturist.

Dine at home. The king returned to Lacken from Antwerp (where, Mr. Patterson writes me, he has been well received, *for Antwerp,*) yesterday, but no dinner to-day. After dinner, a drive as usual.

At 10, go to a *soirée* at the French legation. Madame receives every Thursday. Have a long talk with Mr. Northey, who seems scandalized at the fuss made about the Trollopes, whom he had met at the Calderwood's and at Lady Morris'. Says he thinks they want a place in the book of travels she is writing. Knows all about her. She is the daughter of a horse-dealer in England, and has two sisters, who are or were kept mistresses. I tell him I think it *scandalous* to pay attentions to such a vulgar trollop, which the first literary men of England would not certainly receive. All the *English* there, and dancing to the piano-forte, played by different gentlemen, on a floor which was quite *stick*-y, the wax not having been sufficiently rubbed off.

28th June. Another case of wine arrived from Antwerp: a dozen old Carolina Madeira, by way of specimen. Go out on foot at 3, to make some little purchases: returning through the park, see a gentleman and three ladies, in one of the by-walks, hurrying precipitately forwards. Take up my glass and descry Mr. Seymour and his daughters, who turn suddenly and come towards me in the walk where I was. I ask what gave them such extraordinary activity in a warm day. Say they saw a gentleman whom they wished to avoid. I ask if the *blockade* is raised. They reply no; that the *guarda-costa is in sight.* Presently passes Mr. White, and I find out the *mot* of the enigma. *He* will think, perhaps, they did not fly *from* him, but *to* me, according to an unfounded report.

Dine at home; drive; return; fine moonlight walk round the park at half-past 10–11.

Received a letter from the Minister of Foreign Affairs relative

to the different cases of wine detained till duties be paid, and about the forms I must submit to in future, to enjoy my privilege.

29*th June*. Warm to-day. After my lesson in German, the master expresses his surprise at my progress. Write an answer to the Minister of Foreign Affairs, thanking him for his trouble, and promising to pay the duties this time and take better care another. Invited to dine at Sir R. Adair's on Tuesday; to a *soirée* on Monday at Mrs. Blackshaw's; and another on Tuesday at Casimir Perier's.

Take a walk at 3; return at 4. Read until dinner; at dinner, and after, read Grimké's letter to the people of South-Carolina on the *ordinance*,—diffuse, rambling, not well composed as a whole, yet containing some strong passages.

After dinner, they bring in the case of old Madeira; one of the bottles broken and empty. How the deuce could that happen?

At 8, go to a concert, at Vauxhall, given by the little fiddling prodigies, the Eichorns. They are really wonderful. Meet the Marchioness of Hastings, with three of her daughters. Very warm, and having no seat I am exceedingly fatigued, but hold out for the sake of my company. Invited to go with them after the concert is over to drink tea. Go, and stay until 12; return by moonlight, which is just beginning to be effaced by a dark thunder-cloud, that comes rattling up.

30*th June—Sunday*. Write to Petigru about the revolution here. At 2 go out, and call on Gen. Desprez (ill) and Prince Auguste. Meet, at the Prince's, one of the sons of the Duke D'Ursel, with his wife, I suppose, for I did'nt hear her name. Prince asks me to come to his house to-morrow evening, and be presented to Lady Charlotte Greville, who stays with him. I ask his leave to copy his commentary, which he cheerfully grants, adding that he will show me, if I wish it, other works of his on the public law of Germany, which he speaks of having studied. I thank him and take leave. Return home to my letter. Soon after, Count F. Robianode Borsbeck calls. While he is there Sir Robert Adair comes in. The latter tells me the Austrian minister to this Court is probably on his way hither now. As he is going, mentions that, there being a diplomatic dinner at Court on Tuesday, the Queen of France being expected here, he has postponed his until Friday. Take a bath. At half-past 7 go out to take a drive in the *prairie*. At 9 call at Mr. Seymour's, where I stay until half-past 10. Weather warm.

1*st July*. Day nearly thrown away, for any good purpose. At 2, ——— calls to take leave; gets a *viaticum*; says I shall

hear—*de ses nouvelles*. I am half sorry; alas! for human feelings,—what an odd jumble they are. Sure the journey will not take place; so before. After gone, half-past 4, continue my letters. Dine; after dinner write again. At 8, go out *en calèche*. Think I see the *departed* in *grande tenue* on the Boulevard. Return and look through my glass; find I was mistaken.

At half-past 9, go to a *soirée* at the Prince's; presents me to Lady Charlotte Greville, with whom I have a long talk. Afterwards I speak to the Countess de Latour Maubourg, then to Lady Hastings and Lady Selina H., where I stick; the party being almost exclusively English, and, therefore, stiff, stately and solemn. Nobody but Sir Robert Adair and myself change places for a long time, the rest being planted round the room immovable. Little Eichorns astonish us again.

From the Prince's, go to another English party at Mrs. Blackshaw's. The Seymours, Lady Wm. Paget, Count and Countess Latour Maubourg, Perier, Hamilton and myself, went from the Prince's. Found a small company, wondering what was become of us; very dry and stupid. At midnight return, and go to bed *reflecting*.

Find out to-day that I have been horribly robbed of some of my best wine, and begin to imagine whence all the money which that scoundrel Ferrari sported, on his return from the country, came from; the villain—I hope he will get his deserts,—a dozen Lafitte I meant for Petigru.

Del Chambre tells me he can't let me have my carriage on the same terms another month; says Latour Maubourg pays 80 francs more, and, in truth, as I find on talking with him in the evening, he really does.

2*d July*. Am engaged all day writing to the government, making up my *accounts*, etc. At half-past 4, sally out on foot to take a little exercise. As I go into the park, a severe shower of rain and hail comes up, which, by the help of an umbrella and a tree, I contrive to *weather*. Returning, I make a toilette and go to Court to dinner. See there an English party; Lady Charlotte Greville, Mrs. Clavering, Mrs. Taylor, and the Seymours. Lady C. walks with the English minister, and is seated on the left of the king. Mrs. Clavering walks with me. We have a long and earnest conversation upon the spirit of the times, etc. I find her eminently pious, and am more charmed than ever with her manners and conversation. Tell her, among other things, that my best hopes for my country are founded on the sincere respect for religion which *possesses*, almost universally, the whole American people. She seemed surprised,—asked me if I spoke advisedly, and, on my assuring her I did, said she would *treasure up* the observation.

After dinner, change my dress and go to Casimir Perier's; dancing to a piano-forte, flageolet and violin. Good many new English faces there. Two very young lords, whose names I forget, tall and handsome, among them. Return at midnight.

Note. My traveller not gone, says *Louis*.

3*d July*. Queen of France, and the Princesses Marie and Clementine expected to-day. Being very much overcome by incessant application and want of exercise yesterday, walk out to-day. Visit Summerhauzen's librairie, afterwards Verbeist's, where I buy an edition of Bynkershoëk, Bodin, St. Augustin's Confessions, and a little volume I never heard of before, *Gabrielis Patherbii Turonici professione Fontebraldœi Theotimus, sive de tollendis et expurgandis malis libris*. St. Augustin's Confessions I have been long curious to see, as also the *Civitas Dei*, but no *octavo* edition of the latter was to be found in the curious and immense collection of that singular *bibliopole*. I ask him if he has not lately been visited by *des Anglaises*. He answers yes, *des grandes dames, dont les manierès tenaient de la royauté*. I recognized the Hastings', and told him his discernment appeared in that observation, for they had for a long time held a Court. Tells me he never asks *who* his visiters are, and accounts for his *reserve* by a story of some Englishman, who, having once bought of him some 6 or 7000 francs' worth of books, for which he paid the ready money, Verbeist begged to be informed where so good a customer might be found, in case he got any thing of the same kind, with the objects of the present purchase. Upon this the *unknown* amateur, looking at him over his shoulder, told him, for all his answer, that he *was very curious*. How very *English!*

Sir George Hamilton sends me some trash in the London Court Journal, in which the little English circle in Brussels is *shown up*. Sir George is Narcissus, (well-named); Seton, Cor-nerus (quasi "*core-nero*"—ditto); Lady de R., *Tondirina*, (ditto); the others I don't recognise. These attacks on ladies, and trespasses on the sanctity of private life, appear to me quite shocking. But whoever takes such a thing as the Court Journal deserves a place in it.

In passing through the *Grand Place* observe that the streets are *pevoisées*, through which the Queen of France is expected to pass, and some, though not a great many people, gathered in them to see the *cortège*.

Experience, to-day, a depression of spirits, produced by a cause from which I could not have anticipated such an effect. Lord, what is man! I was reminded of St. Augustine by these feelings.

Receive a letter from Dr. Bronson informing me of his mar-

riage and his perfect happiness. It is a proof, certainly, of some sort of ecstacy, that he has forgotten to *seal* a letter which had to travel 1000 leagues by sea, and 100 by land. The gloom I was in before is very much *deepened* by this picture of the *only* object I have *earnestly* and constantly aspired to and sighed for, but which seems to be only for others,—*domestic happiness*, "thou only paradise of man that has survived the fall." Should my life ever be written, it will be *deplored* that my aversion to marriage betrayed me into many *peccadillos*. Alas! Solomon himself never felt more bitterly than I do, and always have, the vanity and vexation of those wretched substitutes for the interest which man is destined to feel in woman and her virtuous love, on pain of suffering the most desolate *ennui*, and *every* sort of chagrin. Verily, Byron—a second Solomon—never said a better thing, in prose or verse,—"Pleasure is the severest of moralists."

Dine alone; eat little—think much. After dinner a drive in a new direction; return at 9, and finding there an *unwonted solitude*, go out, for the first time, to the *petit théatre* of the park. Amused for an hour by a vaudeville. Do not see a traveller, who, I am told, is still at Brussels; hope I may no more see ——.

On my return, see an invitation to dine with the Prince tomorrow. *Valet-de-chambre* of the Prince excuses *himself* for not bringing it in the *morning*. To bed and sleep soundly.

Mr. Nothomb sends me his *book*, by way of *hommage*, I suppose, for a compliment I paid him at Court, the other day, on his late speech in the Chamber.

4th July—Thursday. From 6 in the morning until 4 in the afternoon, when I dress for dinner, I am incessantly *at work*. What a contrast between my calm and even apathy, and the furious political excitement *felt*, or, *at least*, *expressed* now in Carolina, where, I suppose, I shall be *honored* with some complimentary notice by my dearly beloved nullifying friends.

My country! my country! Jerusalem, Jerusalem, thou that slayest the prophets! God of our fathers, have mercy upon thee!

I continue deeply depressed, and am not a little home-sick today. At half-past 4 go to the Prince's. The Lady Hastings' and Mr. Fitzgerald keep us waiting for dinner until a quarter past 6,—they having understood that to be the hour. The Prince very impatient. Lady Charlotte Greville and her son, (the Prince's guests,) Hamilton, Seton, Casimir Perier, M. de ———, (I never can remember the name of this old *légitimiste*), and myself, make up the party. I walk to dinner with Lady Flora; but, as I am going to sit down, am called by the Prince to sit on the right of the Marchioness, who is on his right.

Lady Selina on my right. At dinner eat little and drink less, but talk a great deal with my charming neighbours. After dinner, Lady Flora rallies me for a *deserter*. I have a long conversation with Lady Charlotte, (she is sister to the Duke of Portland,) whose manners and *esprit* I admire more than ever; nothing can be more refined in its simplicity,—upon that never-failing *topic*, the political situation of England. Feels the same anxiety as all the rest. Says London never was so full as during the last season, yet agrees there never were so many houses *to let* in the West End. Public houses all overflowing, however, and the capital made a sort of watering-place.

The Prince has just had a pretty picture, of the Flemish school, copied by his favorite (and every body's) Emma Seymour. It is framed; he has another copy not framed,—both are produced and submitted to the judgment of Mr. Fitzgerald, who sets up for *connoisseurship et se mêle*, as the Prince expressed it, *d'acheter des tableaux*. He looks at the framed copy, which he takes to be the original, and breaks out into all befitting raptures about its many perfections, scarcely deigning to cast a glance over the supposed essay of poor little Emma. After he had vented his ecstacy, and displayed his discrimination in even the minutest matters, they tell him his mistake. He looks a little *black*, but does the best to keep his ground, and, as it is now a point of *amour propre* with him, must be henceforth a champion *en titre* of our little friend's charming talent, which any one, without being a connoisseur of pictures or those who make them, may see in her *eyes*.

At 7 take leave, and drive in the Allée Verte till three-quarters past 8. Then return home, and, to fly the solitude, go to the Theatre Royal, for the first time in exactly six months, since I gave up my box because they made me pay for the tickets I presented to my friends. The *Muette*, which I find charming. Thin house, though the best, Mr. Clavering tells me, that he has seen. He has not been here on *Sundays*. *None* of the English, except Lady Wm. Paget and her mother, and Miss Morris (but *not* her mother), go on Sundays. Sir Robert in his box.

At half-past 10, to a *soirée* of Madame de Latour Maubourg. Dancing to a piano; not many people. Talk with Hamilton, who went in my carriage, about a certain adventure.

5th July. I woke (an unusual thing with me) at 3 this morning, and not being able to sleep rose, according to Franklin's advice, and exposed myself to the cool (too cool) morning air, by opening a window; returned to bed and *slept* until the music of the *guides*, passing on the Boulevard at *seven*, waked me again. Rise depressed and discontented,—read the three books of the Odyssey in Wolf's edition, etc. On coming down to my

office at 11, see an invitation to dine at Court to-morrow: send an excuse immediately to Mr. Butler, to whom I had been engaged. Go out, after writing this and translating a part of the *Exposé des Motifs* of the conduct of the French government in relation to American independence, (a very long and remarkable document,) and walk into town to my banker's, and thence to Summerhauzen's, where I buy Pellico—*le mie prigioni*,—a German translation of the *Romancero* of the Cid, and a history, in German, of the Knights Templars. Return at 3. Not able to do any thing: begin a letter to Bronson, but my *hysterical* feeling will not *down*,—so I go out again to walk it off. Find out where an acquaintance of mine lives; call, but not at home. Return by way of the *city* and the park; find it very warm. Expect to find a bath ready when I come in; do, but not warm enough. As I am getting in my servant brings me a note from Hamilton, covering a remarkable one to him. Make a toilette and dine at Sir Robert Adair's at 6. Present, besides Sir R. and Sir G., Mr. and Mrs. Clavering, Marchioness of Hastings, with Ladies Flora and Adelaide, Mrs. Walpole (a new arrival), Seton and myself. After dinner, take Seton to Mr. Taylor's, where we see some *relics* of a dinner party and many preparations for a *soirée*. Walk in the garden awhile, then to whist. I play two rubbers and excuse myself. Talk to Lady Flora all the time. The Mistress Walpole is there, and comes up near me; I looked at her over my shoulder, and not recognizing her, (I did *not*, in fact, till it was too late,) she seems not a little offended; and, being asked about a son or a brother, said to the inquirer, loud enough for *me* to hear her, "he is gone to America,—rather a strange place to go to." I move off a few steps silently, without seeming to observe this sally of impertinence or spite. Am desperately sleepy in consequence of the fatigues of the day and the *insomnié* of the night before. Retire at half-past 11 and get to sleep by 12, but, at 3, (as yesterday,) wake again; and find Franklin's remedy unavailing this time. Lie awake till 5, when

6*th July*. I rise and go down to my *bureau* for my German grammar. Find my coachman and *fille de quartier* both at work. Tell the latter she is early; answers, "*not enough so*." After my barber has done his part, (half-past 8,) I go out and take a long walk on the Boulevards. See ———; voyage *broken up*. Return at a quarter past 10 and take my tea and toast.

Invitation from Count and Countess de Mérode, Westerton, to a *soirée* there this evening. Send to get a *box of four seats* at the theatre, against the evening that their majesties shall "be pleased to honor it with their august presence." None to be had, but *one of eight*,—too many for a "*solitaire*" *comme moi*. Take a German lesson and a bath. Read the preface to M. de

Maistre's Soirées de St. Petersbourg. Dine at Court. Queen of France walks with the King, then the Queen between her two sisters, Sir R. Adair with Mad. de Latour Maubourg, M. de L. M. with the Marchioness of Hastings, I with Lady Charlotte Greville, Hamilton leads in Lady Flora Hastings, and seats her next to me; on turning round and seeing her, I exclaim at my good fortune. Hamilton says, I brought Lady Flora here as a favor to *you*. As much pleased as ever with Lady Charlotte G. After dinner, speaking of her very agreeable manners, stamped (withal) with a *thorough knowledge of the world*, to Gen. Goblet, he says, "on dit", "that she has, in her day, (she is now turned of sixty, but doesn't look more than fifty,) made *many* men *happy* before, and *happier* than you." I reply, that explains it all, and gives me a high conceit of my own discrimination; for I was decidedly impressed with the idea, that she had learned to read men backwards and forwards, from my first conversation with her. Talking of her the other day with Mrs. Clavering, I remarked that she seemed to know the world thoroughly. No wonder, said she, for she has lived always in the best society. That is not what I mean, (I reply); for a lady, and especially an English lady, may pass her whole life in the best society, without knowing the world in the sense I allude to.

After dinner to Mr. Butler's, where I find the Frekes and a few other ladies all alone in the drawing-room. Begin to declaim with them against the barbarous usages of England, which permit gentlemen to sit so long over their wine. Witness the present instance; I had gone through a Court dinner, with all its pomp and circumstance,—been home and changed my whole dress, and presented myself at 9 o'clock at Mr. B's.—while these sturdy bottlemen were still at their cups. Servant comes, in the midst of my harangue, and tells me his master invites me to join *his* party. I instantly *rat* it, but tell the ladies my only object is to bring them in. Find some seven or eight gentlemen wrangling about the duty of an ambassador (who, they say, is *paid* for *that*) to present every young Englishman, especially a lord, that wishes to see the king, and that though there be no regular levee. (Sir Robert had *not* presented the two young Irish lords who passed through.) After a few glasses of very good wine,—especially the only good Madeira I have tasted in Europe,—we retire, and presently make up a party at whist,—a *franc* a point. I win two *rubbers*, and take leave, at a quarter past 10, to go to the Mérodes. Find all the company gone except Lady Hastings, Sir R. Adair (who is just come in), and the Seymours and a few French gentlemen. Soon take leave *à la Française* and return home, where my solitude is solitude no more, but sleep is as coy as ever. The almost total loss of it for three nights is terrible, and deranges my whole system.

7th July—Sunday. Rise very late,—horribly exhausted and nervous, but *not* so desolate as before, *because* there is something to awaken an interest of a certain kind. *Ennui* produces more offences of every kind against good manners than self-love, says La Rochefoucault, and *c'est bien vrai.* It is not good for man to be alone,—that is, unless he be at *hard labour*,—for otherwise a certain great personage is sure to find some mischief for him to do. See Madame du Deffand, vol. 2, p. —.

The day is very warm. I order a bath at 1, then change my mind and put it off till 4; meanwhile occupied in writing French, a letter to Bronson, etc. At breakfast, the engraver brings in 150 visiting cards for me; hideous things, totally unfit for use, like every thing else one gets here than can be got any where else; e. g., a few days ago had a pair of boots *footed* for the first time, and, in putting them on, found that my heel had accommodated itself with a hole in the back of one of them, instead of its natural lodging.

Go out *en calèche* at 2. Call at Mr. Freke's and see them. They talk of Paris, where they have never been, though have stayed here so long a time. Talk of America; say the Americans they know, although *republicans*, are the *proudest* people they ever saw. I tell them *nature* makes aristocracies (I did not, as I might, add, "and *nature* alone *can* make them") where society does not, and, often, where *it* does. There are, at first, two great classes in the world,—people of *esprit* and fools. Then comes education, which draws a line between people of *esprit*, cultivated and mere *mother wit.* Lastly, a little fortune or vantage-ground is necessary to the former, but, this being *given*, they *necessarily* have an *ascendant* which the world cannot take away. Thence to Mr. Butler's, whom I see. Hear thunder, and am off, leaving cards at the Hotel de Mérode as I pass. When I am on the Boulevard, see a tremendous cloud at the East. Am not long at home before a tempest of thunder, lightning, hail and rain comes rattling on, pouring out the while torrents of rain. I take up De Maistre's Soirées, and find a discussion on the *origin* of evil, very àpropos of a storm,—pleased with it; have to put it down to go into the bath, where I remain half an hour, and then, what with the flesh brush and the toilette, don't get out into the drawing-room until half-past 5. Read till 6. Dinner announced; eat little. After it, try to sleep—in vain. At 8 receive a visit; and, at half-past 9, go out *en voiture fermée* to drive, as far as the *porte de Hal;* ——— with me. At half-past 10, to bed, and, God be praised, sleep soundly for eight hours together.

8th July. Return a card I received yesterday from Mr. Henry, late consul of the United States at Gibraltar. Write to Mr. Mark.

Go out on foot, at half-past 2, and walk as far as the Botanic Garden; then back by the *rue royale*. At half-past 4, dine at Prince Auguste's. Mad. la Comtesse du Roure, sister-in-law of Madame de St. Aulaire, and *dame d'honneur* of the Queen of France, Monsieur, Madame and Mademoiselle d'Hoogvorst, Mr. Taylor, M. de Baillet, Casimir Perier, Lady Charlotte Greville and I. Give my arm to Lady Charlotte. At dinner speaks, like all the rest of the English, of the *downfal* of the aristocracy. Says the inequality of fortune is dreadful; an eldest brother with £50,000 a year, while £20,000 is to be divided among all the *younger* children. Mentions a duke's daughter that always goes in a *stage-coach*, and how it would have horrified her proud father to think of it; but she had married a poor cousin for love. Speaks of the Catons; says *Betsey* is good-natured, but vulgar; Lady Caermarthen a mischief-maker and universally detested; Lady Wellesley very pretty and of good manners, but too evidently *playing* a part,—indeed, far more stately than the queen. Mentions that, on some occasion, Lady C., then Lady Harvey, seeing the aides-de-camp of the Emperor of Russia waiting on him at table, wanted Lord Wellington's to do the same.

Mr. Taylor mentions that he has lost 600 panes of glass in his conservatory, etc., by the hail yesterday, and that a part of the brick wall of the town is demolished. After dinner I return home, and see a letter from Mr. Harris, (chargé d'affaires at Paris,) who doesn't *know me*, introducing Mr. Henry to me,—funny enough.

Go out *en calèche*,—see the wall where it was demolished; it is *washed down*. Return and spend the evening at home. At half-past 9, go out *en voiture fermée* with a friend. To bed and sleep pretty well,—

9*th July*—but *wake* with a decided fit of spleen and ennui. When I am come down, one of my servants comes in with some complaint,—a thing that always makes me furious; leaves me with my bile all stirred up, and prevents my studying for my German master, who comes in at half-past 11. After the usual occupations, go out at 2 and call on Mr. and Mrs. Henry,—not at home. Take a walk and return; finish Vattel. Dine alone. Read, after dinner, English newspaper (Examiner). At three-quarters past 8, company comes. After 10, go out to a *soirée dansante* at Mrs. Heyland's. Talk with Lady Flora Hastings and Miss Seymour; decline playing whist. Return at half-past 11, and sleep, in a *single nap*, through the whole night. Day very unseasonably cold, gloomy and damp.

10*th July*. Cold, gloomy weather continues. Before I am *down stairs*, Mr. Henry calls. Tell my servant to show him

up. Talks about Col. Hayne, Harris (chargé at Paris), etc. Has good manners, but *bourgeois;* an *American* tourist in England, among merchants, etc. Tell him I shall be happy to see the ladies of his party. Asks me to name my hour, which I do; and, at half-past 2, I call, and am led up to the top of the Bellevue hotel, where, in *angulo quodam*, see two pretty girls, one English, the other, Mr. H's. daughter, still *prettier*, and *prettier quam* American,—outline more precise and *Greek*, *countenance* belle, etc. Talk half an hour with them; advise them to go up the Rhine, and by no means to miss the country between Liege and Namur. Take a walk, then home and study *Wicquefort* till dinner; struck with his way of thinking, etc. After dinner, read the Examiner till some one comes in at 8; and, at half-past 9, take a drive, as far as the gate *de Hal*, *en voiture fermée*. At a quarter past 10, go to a *soirée* at Latour Maubourg's, where, besides the old set, I see Lord and Lady Sidney. *They* are young; she a *Paget*, daughter of Lord Anglesey,—pretty, and dances *tolerably* for an *Anglaise*, but too *dumpy*. I stay only until 11. Getting *rather tired* of all this, and sighing for a month or two at Paris.

11*th July*. Morning as usual. Weather clearing up. Take a walk at half-past 2; delightful day. On the Boulevard meet Col. Nixon. While talking with him, the Prince and Lady Charlotte Greville pass in a *britscka*. Col. N. confirms what General G. told me the other day.

No event. Finish my letter to Bronson in the evening. Invitation to dine with the Prince to-morrow; hope I shall see Lady Charlotte, who told me she was to go to-morrow, and to whom I expressed the strong desire I feel to see her again. Oh! when she was 40 years younger, or even 30 !!

12*th July*. When I come down to-day, receive a note from Sir R. Adair, inviting me to meet Lord and Lady Durham at his house to-day, at a dinner *sans façon*. Unfortunately under the necessity of declining the invitation. Send newspapers to America,—*Constitutionel* to Petigru; send my letter to Bronson by the English courier. Write, also, to my English tailors, Lane & Sons. Walk on the Boulevard. On my return dress for dinner, and go at half-past 4. Nobody there but Perier, Mr. Seymour and Emma, Lady Charlotte and her son. Rather annoyed that I was not at Sir Robert's. Sit next to Lady Charlotte. Talk, among other things, of Lord Stanhope; mention the story of the *raw head*. She laughs, and says it must have been a *phantom* of his own creation; though, dares say, *he* believed it. Says he is a little *cracked*, she thinks. I *smile*, and she asks me if I don't think so too. I told her I thought him "*full* bro-

ther of Lady Esther." The truth is, I set him down for that in my journal at the time; though, as *she says*, he is clever. As to the story itself, it seems it is not without foundation; a *head* has *appeared* to Lord Grey, but Mr. Greville never heard that it was *Brissot's*. Lady C. says Lord Durham talks so coarsely to women, that his society is not considered as *safe* for them, though he can be, when he pleases, very agreeable. His temper, too, is bad.

After dinner, I take a drive in the neighborhood of Lacken; Mr. Seymour with me. That over, I had arranged to call on the Hastings', where his daughters are to be, but I do not. Go out, however, and come back at 11 discontented. I am rapidly falling into confirmed *ennui*, and must change the air.

13*th July*. Receive a visit from a person who writes himself "Olislagers de Meersenhoven," and claims kin with M. de Vilain XIV. Comes to ask how he can recover a small debt at Charleston, which is to be paid over for the benefit of the "*missions*." One of many instances of the spirit of *proselytism* that is abroad in this country. Speaks of "Monseigneur" England, who, he tells me, is in Ireland just now. I have a good deal to say to him about his church in America, and our prison discipline.

Mr. Butler, Sen., calls to take leave,—going to Aix la Chapelle. Walk out; return at 4, and study *Wicquefort* until 6. Dine at half-past 7. Before I am out of my dining room, a friend calls; partakes of the *dessert*—nothing else.

14*th July—Sunday*. A mass of Weber or Beethoven at St. Gudule's, with the possibility of seeing the Queen of France there, and the certainty of witnessing the procession of the *St. Sacrement*, (I believe,) tempts me out at 10. When I descend from my carriage, some person, with a badge of office on him, leads me up an avenue, formed by a double row of soldiers, into the *choir*, where I do what I never did *before*,—go through a whole mass. The priest, ministering, at the *elevation*, was literally enveloped in a cloud of incense. Music delightful.

Return home and begin a letter to Hammond. At 2, go out with the intention of calling at Mr. Taylor's and Lady Charlotte Fitzgerald's. See Mr. T. in the street. He gets up into my carriage, and we go together to his house. Passing, we meet Lady Wm. Paget in Casimir Perier's calèche; remarks on the incident, and Lord William is said to be *jealous*. At Mr. Taylor's see Lady C. Greville; tells me she hopes she will have the pleasure of meeting me at the Prince's to-morrow. Tell her I shall have that happiness. Thence to Lady Charlotte Fitzgerald's. See there Lady Flora and Lady Sophia Hastings. Lady

Charlotte gives me "Sketches of Canada by a Backwoodsman" to read, and Mr. Fitzgerald the last number of the Examiner. I make my bow to the ladies, and go with him into his library. He shows me a printed composition of Lady Flora,—a pretty tale,—which proves her mind to be as elegant as her manners. Leave a card at Mrs. Heyland's. Return home, and walk out. Meet Mr. Seymour, who begs me to come and dine with him, which I consent to do. Return to my letter to Hammond.

At 6, go to Mr. Seymour's. Meet there a Mr. *Searle* (I think) and his wife, daughter of an Admiral *Amsel?* or some such name,—pretty eyes, but coarse voice and loud in her conversation. I experienced, at this dinner, the inconvenience of not being introduced. Something was said about the Dutch, and what the Americans felt towards them. It was remarked that the former were a good people, and every body liked them. The *Dutch* you mean, says this lady, not the Americans, surely, for if there is a people I *abhor*, it is they. Mr. Seymour seemed ready to sink; all was consternation. I affected not to hear, but it wouldn't do; the blood mounted into my cheeks, and I was silent in spite of every effort I made to talk as if nothing had happened. I don't know whether she found out her mistake. After some time, the ladies left the table, and we soon followed. In the drawing-room, I entered into conversation with this person and Mrs. Seymour, and endeavored, while coffee was handing, to make the impression that I had not heard; but after lights were brought (about 9) I decamped, in spite of all the friendly remonstrances of my kind hosts against that step.

This little woman's being the daughter of an admiral may account for somewhat more vivacity of hate, but I am satisfied the hostility she expressed with so much *naïveté* is, in a greater or less degree, a national feeling. The attentions paid to the Trollopes, were not *all* due to curiosity and the desire of appearing in her future pages.

I return home, not *excited*, but *reflecting* on the *wickedness* of such feelings, and especially of the conduct of those who lay themselves out to awaken or inflame them.

Mr. Butler, Sen., calls to take leave, and urges me to Aix la Chapelle.

Mem. When the procession was formed before the cathedral to-day, and the priests began to *bray* out their psalmody, some young men near my carriage bellowed in response, and laughed heartily at the impious mimicry. Although this is the most Catholic of Catholic countries, I have no where seen jokes upon the clergy so heartily relished.

15*th July*. Morning, etc., as usual. Continue my letter to Hammond a few moments. Go out on foot at 2. After my re-

turn, read Wicquefort half an hour, when I receive an unexpected visit. My guest *partie*, I make a toilette and go to the Prince's. Present, the English ambassador and his sister (Mrs. Clavering), Seton, Hamilton, Mr. Taylor and his new son-in-law Mr. Deeds, Mr. Seymour, Duke D'Ursel, Lady Charlotte Greville, Mr. Greville and I. Sit between Mrs. Clavering and Hamilton. The former anxious about the politics of England. Since the ministry have been beaten on the *local courts bill*, expects a change. Very kind and complimentary to me; takes a glass of Sillery, and asks me to *pledge* her, to our *meeting* in England.

After dinner, go home and find Washington papers to the 14th June. Go out, afterwards, *en calèche*, towards the *Allée Verte*. A *monde infini* on foot (especially) and *en voiture*. It is the *Karmesse* of the city to-day.

According to Lady Charlotte's request, return to the Prince's after 9, expecting to play whist. Nobody but herself and the Prince. Duke d'Ursel comes in afterwards. No whist, but agreeable conversation. Prince tells me a new book of Mémoires of Condorcet is advertised. Talk of De Maistre and his Soirées de St. Petersbourg. Lady Charlotte calls my attention to Galignani's Messenger on the late Parliamentary event, at which I can see she is *chuckling*, but still anxious. About 10 take leave, shake hands, and hope we shall meet again. Darling little creature,—and whose years one absolutely forgets in her nameless graces. Walk to the *Porte de Louvain* and back again; read my American newspapers and go to bed.

16*th July*. German master admires at my progress; I begin to read without a great deal of difficulty, and shall soon undertake some work of note,—e. g., Wolf's *Prolegomena*, which is sent me to-day by Mayer, or the *Romancero* of the Cid, translated. At 10 walk out; go to Mayer's and buy a German pocket dictionary. Return at 4 and read Wicquefort. Dine alone.

To-day Prince Auguste leaves Brussels, to make a short tour on the Rhine with his little *darling*, Lady Charlotte Greville. Her majesty's advanced pregnancy prevents their seeing us at Court; so that I shall, for a fortnight at least, be very seldom disturbed in my *solitude*. *Tant mieux*. Let my *eyes* only hold out, and I am independent of the world.

Drive, after dinner, round the town. See preparations for a grand illumination at the Botanical Garden. Go by there in my carriage at 9 to half-past 10; brilliant beyond every thing of the kind I ever saw.

17*th July*. Excuse from M. and Mad. de Latour Maubourg, for not being well enough to *receive* this evening. Hair cut;

take a bath and—a cold. Terrible attack of pain in the pit of the stomach and bowels at dinner. Take a cigar and lie down; passes off. Drive out—return; drive out again after 9.

Letter from Count F. de Mérode, announcing his appointment *ad interim* to the bureau of foreign affairs, during M. Goblet's absence at London.

Returning from the Allée Verte, (where I met, for the second time, the whole royal family,—viz: the king, two queens, and two princesses, in a *single* open carriage,) Mr. Seymour stops me and invites me to his house this evening, but tells me my "bill of fare." "The same," says he, smiling, "you had on Sunday." I smile, and tell him I will come *another time*.

18*th July*. Nothing extraordinary. Returning, in my walk at 2–4, fall in with Mr. Irving, who refers me to the London Courier for a meeting of the saints in England, in relation to slavery in the United States. They find fault, it seems, with the Colonization Society, because the sending off the free people of colour diminishes the chance of insurrection. Afterwards see Sir R. Adair, who tells me the Tories are alarmed; that the result of their late meeting at Apsley House was a determination to let the Irish church reform bill go to a second reading, and to introduce amendments in committee, that this concession of theirs is altogether owing to the decision of "our" (whig) party, who would have resigned on the spot and refused to have any thing more to do with the government, etc., etc. Tells me, with a charge of the profoundest secrecy, that the Dutch propositions submitted through Dedel and Van Soclen are more inadmissible than ever; perhaps, owing to the apparent instability of the Whig administration. The whole conference had scouted the overture.

After dinner a heavy shower comes up, which prevents my driving. Amuse myself with "Sketches of Canada, by a Backwoodsman", (a Mr. Dunlop, says Lady Charlotte Fitzgerald, who lent me the book)—very lively and clever, and, I dare say, just. Says the Southern planters are the only "*body* of gentlemen" in America, and that's true.

Answer M. de Mérode's letter.

19*th July*. Undertake to read the preface to Wolf's Lectures on the four first books of the Iliad, in German; find it horribly difficult. Go out on foot and walk for an hour, 3 to 4; buy half a guillaume's worth of good cigars. After dinner drive in the Allée Verte; bad weather coming up, I return in haste. At 10, go to a pleasant party at Mr. Taylor's, where I am presented to Mrs. Deeds, his newly married daughter; not very pretty, but

fat, fair and amiable. Some English new-comers there. I talk principally with Lady Flora. Sir John Morris returned from a visit of two months to England. At half-past 11 return home, leaving almost all the company still there. Don't take much interest *now* in these things, and, to tell the truth, I am always afraid I may hear something disagreeable about my country in English society.

20*th July*. Anniversary of my departure from New-York. Windy and showery. Receive a letter from McMillan King, apologizing for his very *culpable* remissness heretofore; another from Mr. Mark. Soon after, a visit from Mr. Serruys, brother of the vice-consul at Ostend, from whom he hands me a letter and a copy of the new instructions to consuls. Walk, dine, etc., as usual, but do not drive out in the evening, because my worthy footman's daughter is thought to be dying, and I have sent him to his family. Poor fellow, he did not venture to tell me of it himself; I learned it through a third person,—a circumstance which affected me very much.

Go to a party at Lady Charlotte Fitzgerald's. Talk to Mr. Seymour, Lady Flora and Lady Sophia, who (though a victim of disease) is a pattern of amiableness and meek resignation, and, withal, *remarkably* sensible. We talk of patience under the ills of life, etc. She says she does not know what it is to lose a *night's* rest. How much to be envied! Then, said I, you have never known perfect misery, of which an *insomnia* is at once the effect and the cause. My feelings towards Lady Flora still the same, and she seems to understand what they are. I love their sweet English way of shaking hands,—so much better than the Frenchified *bow*. My happiness would be as perfect as man's can be, with such a lady for my bride, *without her title*, and of my own country,—but why, ye gods, do two and two make *four*? Confound number and *quantity*, they are sadly at war with *quality*.

21*st July—Sunday*. Read De Maistre's Soirées de St. Petersbourg. Strikes me as a production of singular originality and power. Go out to walk at half-past 12, and find myself the better of it all day long. Receive a letter from my mother, and another from my London tailor. Sir H. Seton calls: as I owe him a visit, don't know what brought him. Copy part of my journal for Hammond. Return to De Maistre,—*tremendous* censure of Voltaire. Dine alone; after dinner, read the *Soirées* again until company comes in. At half-past 9 go out *en voiture*.

22*d July*. Dismal day,—rainy and blowing hard. Go out

to walk at 3 notwithstanding, and meet Miss Northey on horseback, with a footman only accompanying her. She tells me it is a very *fine* day, which I repeat and pass on.

Sir Robert Adair sends me the card of Mr. McGregor, and asks to be allowed to present him. Afterwards Mr. Morse (the young gentleman from New-Orleans, who was here about a month ago) comes in, on his return from England and Holland. Says the cholera is very bad in Rotterdam. Says Mr. Livingston is to go first to Naples, in order to get two *outfits*. So much the better for him, if he don't want to get a different kind of *fits*,—as I am near doing for want of *Rhino*. While Mr. M. is talking, Sir Robert is announced and shown up stairs. I follow and am introduced to Mr. McGregor, a worthy and intelligent Scotsman, who has been a long while in America, and has just published a book about the British colonies in the North and the United States, of which, he says, the first edition is already bought up: promises me a copy. I talk a long time with him after Sir Robert takes leave. Among other things, he tells me the valley of the Mississippi is capable of supporting a greater population than all Europe. Promise to call and see him.

Dine at Mr. Taylor's. Present, besides his own family, Lord Edward Somerset, brother of the Duke of Beaufort; and two ugly little men of the name of Talbot, connections of his. The Marchioness of Hastings, with Lady Flora and Lady Selina, Seton and I. Two young English ladies had been invited, who sing *à merveille*, but one of them was suddenly attacked with some disorder, an evening or two ago, at the theatre, and so I did not hear them. Seton, whom I take to Mr. T's. in my carriage, says they are "horrid vulgar", but *recherchées* for their voice, poor things. Lady Flora (on the contrary) tells me one of them is extremely beautiful; that their singing is very superior, à la Malibran, etc.; that they were once all the fashion, and received the greatest attention from the "smartest" people at Rome, where she saw them; that, being *portionless*, they afterwards got out of vogue, and she saw them again at Brighton, and was glad to find they did not seem at all out of heart for the change, which made her conceive a high respect for them, and treat them always with attention. Sweet creature,—this is perfectly characteristic of her. I sit next to her at dinner, where the conversation turns on ancient nobility. I make some inquiries about the different races that compose her lineage. Tells me why they bear the name of Hastings instead of Rawdon. I ask her if she has ever seen Mr. Wheaton's work on the "Northmen", which every descendant of the Sea Kings ought to feel an interest in, as it is well spoken of by the critics. Says she will remember it.

After dinner, gentlemen remain at table a little while. In the

drawing-room, have a long talk with Lord Edward and one of his companions,—both tories,—and the little Talbot vulgar, and very loud; so that I was quite ashamed of speaking to him on such subjects as government, etc., which, with his proclamation voice, he forced on the attention of the whole *suite* of apartments. Lord Edward commanded a brigade of cavalry at Waterloo, whither he goes to-morrow, never having been there since "*the evening of the* 18*th*." A very gentlemanlike person, with a large family and small revenue. He is here *reconnoitring* for a good retreat from the ruinous prodigality of London. Tells me Mr. McLane said of the *reform bill* that it made England a *republic*,—he would not pretend to affirm that the change were for the better, or the contrary, but *such was* the change. I tell him I think Mr. McLane was not quite right in that, for that, in my opinion, their government was now neither monarchy nor republic, but something far less stable or efficient than either.

Seton tells me Miss Morris once said to him, before a *third* person, that he did not behave like a *gentleman*. That's no compliment to yourself, replied S., for a man's conduct is always regulated by that of the lady he is with. Rather sharp this, but nothing can be too much so for that most odious and offensive little *parricide*, who is doing her best to take in Perier.

By-the-bye, when Seton's note, begging me to call for him as I was going to dinner, came to-day, I thought of the *extra* visit yesterday. Oh world!

Return at half-past 11. In a quandary about a carriage; tired of Del Chambre and hiring, which is too expensive, but don't know how to *raise* the wind for a *purchase*. Wish for one of Mr. Livingston's *outfits*,—it is the devil to be living, at a Court, from hand to mouth.

23*d July*. Call on Mr. McGregor, who introduces me to his young and rather pretty wife. Go afterwards to Mr. Mayer's librairie: buy a pamphlet, published at the Hague, of which the drift is to shew that the kingdom of the Netherlands ought to be re-established. Thence to Verbeist's, to pay a little debt. Afterwards, look at a carriage belonging to the estate of *feu* Count Somebody; a very nice thing it is, and scarcely used at all, but too much asked. Get down to walk on the Boulevard. Heavy shower of rain comes up. Don't go out to drive after dinner, but do at half-past 9. Evening fine, etc., moon.

24*th July*. Awaked this morning, at 6 o'clock, by a discharge of artillery upon the Boulevard, announcing the birth of a *prince*. After I go down to my office, hear that the French ambassador is gone to Lacken. Send to know if the English minister has

followed; find he has. Send my coachman to the palace here, to know whether I shall be received if I go; answer of the Grand Marshal determines me to go. Set out about 2, *en frac.* In the salle d'audience, see the *dames d'honneur*, with whom I exchange felicitations. Presently Count d'Arschot tells me the king wishes to see me in the garden where he is. I go down the steps and see his majesty at the bottom of them, in a blue military surtout. Receives me cordially, offering his hand, which took me so much by surprise, that I had not time to take off my glove until *after* I had taken his majesty's hand, for which I apologise,—choice of evils, and I thought it best not to keep the king *waiting*. Thanked me for my visit, and for all the interest I had uniformly shown in their welfare. Returned to Brussels, call on Seton, who lives in the third story of the palace, (which, by-the-bye, is a pretty shabby concern altogether,) in a small apartment. Received me in a sort of drab surtout, with slippers down at the heel, and without a cravat. Dine alone and very *heartily*, which is what I have not done for nearly three months. Have not eaten my dessert, when I see it announced in an afternoon paper that the cholera is supposed to have re-appeared at Antwerp. Repent of my appetite; *diet* again,—nothing new to me, especially as good *English* fare is said to be the best.

In the evening, go out *en voiture* to see the *illumination*; not at all brilliant, and no other evidences of popular enthusiasm. Streets pretty full, but not so much so as I expected, moderate as my expectations were. Crackers and squibs thrown about with sufficient license; thought it prudent to raise the glasses of my carriage, something of the kind having been thrown over the top of it.

At half-past 10, to a *soirée* at Latour Maubourg's, which, owing to the departure of many of our fashionables for the watering-places, and the absence of others, was *triste* enough. Yet I staid till 12. For a wonder, Miss Morris, whom I had made up my mind not to salute and studiously avoided, *spoke* to me, and we actually carried on an amiable conversation for ten minutes. Afterwards her mama asks me to come to her house to-morrow evening. I had a talk, again, with Lord Edward Somerset. Mr. Northey tells me I have been highly complimented in the "Morning Herald", at the expense of Sir Robt. Adair. I tell him half the friendship in the world is like that: praise the love of one, to *spite* another.

25th July. Count ——— calls to sell me his carriage; nothing decided. Receive a letter from Mrs. Holbrook. Pay a call, *en calèche*, at Mr. Taylor's. See the Prince there, who is just returned (an hour ago). Tells me Lady Charlotte desired to be remembered to me. In the evening to Lady Morris'—the

first time this six months. Play whist. A Polish exile play admirably on the piano-forte. I am invited to go there again on Saturday,—rather too much of a good thing. What's the meaning of this change? *Cui bono?* Return at midnight.

26th July. Very much occupied to day, finishing letter to Hammond, to whom I send an extract from this journal; write to my mother also. Send the two letters by way of England. Nothing worth recording the rest of the day, except a drive in the evening (half-past 9 to half-past 10) by moonlight. Del Chambre excuses himself for having taken away my carriage and hired it.

27th July. German lesson; reading the Cid in the original and German translation; find I make a sensible progress. Go out *en calèche* in quest of a carriage, being determined to depend no longer on Del Chambre, who is a thorough-paced scoundrel. Look at several; two please me very much,—but the *price!* Get down on the Boulevard du Jardin Botanique and walk. Loveliest day decidedly we have had this summer; warm, without being *hot*, even in the sun, while there is none of that chilliness in the air that makes any exposure to it, even in the hottest weather, dangerous.

Dine alone; bowels out of order; if the cholera should break out, should be rather uneasy. After dinner, call for Mr. Seymour *en calèche* and drive in the Allée Verte, where we meet the Taylors, the Prince and Sir George Hamilton. Go thence to Mr. Taylor's, where I was invited yesterday to play whist with the Prince. Do play three rubbers, all which I win. Tremendously annoyed by my bowels while playing. All agreeably surprised by a party of strolling Tyrolese, who strike up a song at the bottom of Mr. Taylor's conservatory, which communicates with his suite of rooms. Presently Hamilton and others, with Mr. Deeds and the Seymours, begin to waltz and gallop to this wild music. At three-quarters past 10, I go to another musical soirée at Lady Morris'. Find them in the midst of a duet, piano and harp, and in full ecstacy; the *harper* is some famous French performer. Company listening with deep and silent attention. Remark Lord Wm. Paget, who is just come. Speak to the lady of the house. Am rather overcome with the heat and the music together, and soon *file*. In bed at half-past 11, but don't sleep well. Began to-day a very clever, that is, sensible, pamphlet on the necessity of re-establishing the kingdom of the Pays Bas, printed *at the Hague*, as it is said, a few weeks ago.

28th July—Sunday. Send newspapers to America, and write to McMillan King. Dine at the Prince's *en petit comité*. In

the evening call at Lady Hastings', when that omnipresent and eternal bore, Mr. Brurenbrock, comes in. Bath to-day and long walk.

29*th July*. Ball at Mr. Northey's. Long talk with Madame de Béthune.

30*th July*. Very unwell to-day,—nervous and *cholerick*. Buy a carriage,—3700f.

31*st July*. Better than I was yesterday. Send to Del Chambre to come and take his horses, his coachman having wounded himself severely last night, or rather been wounded, by a horse treading on him. Sign an agreement about my carriage, and begin from that moment to repent. Straitened by money sent to America. I am now 5000f. *in debt*,—making thirty and odd thousand I have spent since I have been here. Horrible this *gène* of an American salary, to one living necessarily *à l'Européene*.

1*st August*. Hip, spleen, vapors,—all the horrors that haunt an empty purse,—full of every thing but *hope*. A Capt. Messina, proscribed in Italy for political opinions, comes to *beg*. I give him 10f., and regret I could give no more; but the government allows us nothing for the unfortunate—except *sympathy, à discretion;* of *that*, at least, Jonathan is certainly prodigal.

2*d August*. Mr. Henry calls, on his return from the Rhine. I invite him to dine, *sans façon*, which he consents (apparently by way of conferring a special favor) to do. His daintiness of speech, aping the worst style of English manners, quite *oppressive*. In the course of conversation, talks of American women as *loud*. Tell him not those I happen to know; and I seize the occasion to remark, without seeming to mean an *inuendo*, that some of the English err on the other extreme. After he is gone, I write to the Mr. McGregor whom Sir R. Adair presented to me, to come and join us, which he very kindly consents to do. Pretty good dinner for an *improvisation* on a *jour maigre*. I produce the best wines,—Johannisberger, Montillado Sherry, Rota (1810) and old Carolina Madeira, which my guests praised very much and drank copiously, remaining with me until 10 o'clock. Mr. Henry, having been consul at Gibraltar for twenty years, may be, as he pretends, a good judge of Spanish wines. He tells me the two I gave him are as good as can be found,—but the old Madeira seemed to be the favorite. He began by telling me he had already dined at the *table d'hote* of the *Hotel de Flandre* with his children; but he did pretty well notwithstanding.

3d August. I send to Mr. McGregor the number of the Southern Review containing my article on those ***blackguards***, the Benthamites. Write to Mr. Mark. At half-past 8, go to the Prince's and play whist there until 12; win 23 ***points***. Invited to dine there on Monday.

4th August. Walk out. Receive a letter from Mary, at Greenville, 21st June. Begin one to her. In bad spirits; want of money; bad dinner, which makes 'em worse. Evening, call at Mr. Seymour's; Mrs. S. and Emma gone to Ostend for the latter's health.

5th August. Receive from Mr. Patterson, who is just returned from London, Mr. Wheaton's book on the Northmen, which I send to Lady Flora Hastings, with a note begging her to accept of it as a *souvenir* of Brussels. Mr. Fitzgerald comes in at the very moment with three late Examiners. I tell him I have bought a carriage, and want horses. He cautions me against keeping my coachman, who was formerly in ***his*** service, and a very worthless fellow; *yet* this coachman shewed me a certificate of good behaviour from Mr. Fitzgerald!! This intelligence makes me *very* uneasy, for circumstances place me somewhat at the mercy of this man for the present. Go to Damoot & Co. to know when the banking-house is to stop its operations, according to a recent notice. Tells me I may be easy about it. Returning, call on Mr. McGregor, who is just *on the wing;* see him for five minutes. Make a toilette, and, at 5, dine with the Prince. Present, Sir R. Adair, Hamilton, Seton, and Marquis de Jumelle, Lord and Lady Wm. Paget, Lady de Rottenbourg, Mr. Crampton (the new *attaché* to the English embassy) and myself. At dinner, Lord William is introduced to me, at his request, by Hamilton. After dinner, he comes up to me and thanks me for the attention I have paid his wife. I tell him we have all ***petted*** her a great deal. Conversation then turns on our navy, national prejudice between England and America, etc., etc. He is very complimentary and civil, but how *very* disagreeable it is to have to *prefix* the same *proem* to every conversation with a new English acquaintance. Afterwards, Mr. Crampton asks Hamilton to introduce him to me, which is done. He is a handsome young man of twenty-nine, with a *grey* head, inclining already to baldness; has been three years in St. Petersburg; knew Mr. Middleton, who, he says, was very well liked there. Says Randolph's presentation, etc., was the "*funniest*" thing of the kind that had ever taken place,—little *Clay* was left alone, friendless and unknown. Lord Hatesbury (forgetting animosities) sent for him to dine with him, out of compassion, and afterwards treated him with all manner of kindness. Mr. Buchanan, a very good

sort of man, but so destitute of all the requisites of a diplomatist, that he (Mr. C.) can't conceive why he went to St. Petersburg; where he lives in a part of the town which is a perfect *terra incognita*, and there is no society at St. Petersburg but the *Court*. So it goes,—and that is *republican* wisdom. *Why* the devil send an *ambassador* at *all?* Sir Robert asks me what they are to do with Portugal. I tell him recognize Doña Maria. He says yes, with a *regency*. I declare, in like manner, for a regent, for Pedro is no better than *My-jewel*. *Note*—I said the Lords had done a foolish thing in rejecting the *Jews'* bill; Sir R. thinks it well. Invited to dine again at the Prince's on Wednesday. Mr. Taylor says Lady Wm. P. won't speak to him, and supposes it is because the Prince gave her mama a hint about her *flirting* so with Perier; says he don't care a *pin* about her, and still invites her, but that's all. They all go to the play to see the first representation of "*Les deux enfans d'Edouard*", by Casimir de la Vigne; I return to my solitude.

Buy an edition of Seneca to-day, whose works I am determined to read over by a remark in De Maistre's Soirées, that he had undoubtedly heard St. Paul and learned from him to speak of "*loving* God", which no heathen philosopher before him had ever done.

6*th August*. Gen. Desprez dies this morning at 5 o'clock. I made my respects to him at Lady Morris' last *soirée*, where he was with his only child, a singularly fine girl of fifteen or sixteen, now left *alone* in the world, though with a very good fortune,—£2000 a year, dit-on. This is a prodigious great loss. He was Chef d'état-Major-Général, and a man of sterling merit.

Receive a note, in answer to mine, from my adored Lady Flora,—thanks and acceptance, but dry to *ravish*. Long walk; see preparations making for the 8th. Dine alone.

7*th August*. Dine at the Prince's, and play cards there in the evening.

8*th August*. Baptism of the Prince. I go to St. Gudule in my carriage, with a pair of horses on trial. Immense crowd in the streets. The *choir* of the church prepared to receive the king and the royal family, the corps diplomatic, the clergy, the ministers, the legislative body, the bar and the bench, etc. Galleries on its sides filled with ladies and their attendants. Ceremony performed by the Archbishop of Malines. Queen of France, Marraine,—King, represented by the Duke of Orleans, Parrain. The two young princesses, Marie and Clementine, with the Duke of Nemours, in the royal *tribune* as spectators. After the baptism, a *Te Deum*. On going out, I find my car-

riage not there, and get up with Hamilton in his. After waiting a long time, my servants come home and sit down to their *breakfast*, which they eat so deliberately, that I do not *get* to the *palace* until the *reception* is over. Return immediately, and write an account of the events of the day to Mrs. Holbrook and my sister M. Dine, at 7, at Court,—140 *couverts*. Besides the *chiefs* of the *corps diplomatique*, ministers, etc., chairmen of all the *deputations* of *felicitation* there. I see there the archbishop, who is a hale, handsome man, just turned of forty. At table, I remark on his *promotion*, and say I suppose he is of an influential family. Not at all, replies Madame de Stassart,—the son of a *farmer*. The King and the Queen of France very images of happiness. Dinner very pleasant: crowd before the palace immense, and, as half (at least) of it is of the feminine gender, view from the windows of the chateau very striking and picturesque. Illumination at night, and *really much* popular *enthusiasm*,—the *first* I've seen.

9th August. Funeral of Gen. Desprez, and death of poor Des Voeux, the excellent, intellectual and learned *attaché* of the British legation, loving and beloved of one of the sweetest women I ever saw,—a daughter of the late Lord Ellenborough. I went to St. Jacques sur Candenberg, but was requested to go to the house of Gen. Desprez. After waiting a long while, we followed the body *pêle-mêle* to the church. A long funeral service, with sprinkling of holy water and castings-up of incense, enough to exorcise all the "*legion*" of hell. Then, *en voiture*, we follow the hearse. When we got about midway the *park*, in the Rue Royale, my *new* horses become restive, stop, turn around, and refuse to budge, until led off by my footman. I am horrified, as well I may be, at this untoward circumstance; and consent to my coachman's request (which he makes in an evident *funk*) to his withdrawing immediately, but Mr. Fitzgerald, who is with me, urges me on. We go on, with occasional stops and tricks of my horses, until near the Allée Verte, they come to a stop, and I abandon the procession and return home.

10th August. Coachmaker comes for his pay. Congratulates me, for the horses I had were quite unbroken. Invitation to dine at Mr. Fitzgerald's on Monday.

11th August—Sunday. Mr. Patterson calls. Newspapers from America. Call, with Mr. P., to see his sisters and brother. Returning, see the king reviewing a regiment of artillery on the Boulevard. Occupied all day with reading England and Englishmen by Bulwer. In the evening, call at Lady Hastings' and stay till after 10.

12*th August.* Dine at Mr. Fitzgerald's. Meet there the Hastings', and ——— and his wife, exiled from Milan on account of politics some ten years ago, and all his fortune sequestered; but he has since inherited some 50,000 francs a year in Belgium. Have a long talk with him about their sufferings and prospects; the former much *greater* than the latter, I fear me. His wife quite a *blondine*, and *very* amiable. Say they are charmed to make my acquaintance, and promise to cultivate it. Lady Flora speaks Italian with them perfectly well. In the evening, Seton, the Frekes and others come in. The former is very frisky and facetious, and so loud that his wit is not lost upon the most distant ears, albeit not attentive. I find him very impertinent in his conversation with the ladies, to whom he addresses the coarsest vulgarity and freedoms of approved dandy conversation; and am so *annoyed*, that, at three quarters past 9, I plead illness, because I felt disgust, and took my leave, thinking on the unspeakable perversion of society, by which such a *creature* is as much *courted* as he is hated. He is the very type of the *Dandy Venomous* of Bulwer, except his information, of which *this variety* of it hath a most plentiful lack.

13*th August.* Mr. King, a relation of the Hastings', who dined at Lady Charlotte's yesterday, sends his card. Mr. Patterson and his brother call: I have a long talk with them. They go away to-morrow or the day after. So much the better for me, for I felt bound and inclined to show them some *costly* attention, (a dinner or *soirée dansante*,) and my poor purse ——. The weather is cold, though clear, and I have a *cold*.

14*th August.* The Miss Pattersons call on me to execute some law paper, with their younger brother. Have a long talk with them; very lady-like persons. Lady Flora Hastings sends me Manzoni's tragedies. Dine at the Prince's. His nephew, Prince Peter, there. Sir R. Adair, Count Latour Maubourg, etc. Rain in the evening prevents my calling on Madame de Latour Maubourg.

15*th August.* Dine at the Prince's again, at half-past 4, *en petit comité;* only Prince Peter, Marquis de Jumelle and I. Whist after dinner until 8, when the Princes went to the theatre and I *promener,—à pied* go to the theatre in the park; see Pothier playing the Tailleur de Jean Jacques. He is old and rather *passé*, but still *admirable:* his talent, though in *farce*, is *imposing*.

16*th August.* Dine at home. Occupied all day writing and

copying *dispatch* to Secretary of State: send it off, enclosing letters to Mrs. Holbrook, my sister and Bishop England.

Rather indisposed with a cold; *therefore* send an excuse to Mr. Taylor for not assisting at his *soirée*.

17*th August*. On coming down to-day, see a letter from Mr. Lebeau, Minister of Justice, who has got into a scrape by delivering up a fraudulent bankrupt to the French government, at the *instance* of M. de Latour Maubourg, begging to be informed what our American usage is. I write him what I know and think on the subject, and, *afterwards*, send him an extract from the treaty of '94 touching the giving up of murderers and forgers. Go to my banker's for money. Shews me letters of credit in favor of Americans,—among them one for £10,000, from the Barings, in favor of David Seers of Boston. Mr. Seymour calls to know if I am *alive*, having been absent from all *réunions* for some days past; offers to take me to the Prince's, to which I consent. Go there at 5—*petit comité*.

18*th August—Sunday*. Before I come *down* or *out*, my servant brings me the card of Mr. White of Florida, M. C. I order that he be shown up. Came yesterday, goes to-morrow. After some conversation learn he visits Waterloo to-day. Ask him to bring his wife and *dine* with me *en petit comité* after his return. Go out on foot; call on Lady Charlotte Fitzgerald; see all the Hastings', who are positively going on Tuesday. Call afterwards on Mr. White (of Brussels), just returned from England. Take a bath and wait for my guests. After 6, Mr. W. comes without his wife, who hasn't time to dress. Rather vexed at this; good dinner. After it, go with him and see *Madame*. Tells me she is *au desespoir* at not having come just as she *was*, but she thought it wouldn't do to make so free with a *diplomate*. See Mr. Seers there, who excuses himself for not having called. No excuse—he might have sent his card. After a great deal of talk with Madame, (I learn, among other things, that Cruger is married to Miss D.,) I return, through a rain, at about 10 o'clock. She promises to call, before she sets out to-morrow for Spa.

19*th August*. At 12, Mr. and Mrs. W. call according to promise, to see my house, which I tell them I shall be under the necessity of giving up unless government *help me*. They say they will *electioneer* for me,—good-bye.

A box of clothes brought me from London via Ostend. I am charged 54f. for *expenses*,—duties, I suppose. I fly into a furious passion,—say I won't pay it, and that they may all go to

the devil. Then, says the commissioner, I shall take the box with me. You sha'n't, says I, and a pull ensues between him and my servant, in which I afterwards take a hand; but as he is much more in earnest, he carries off the subject-matter of the contest. Then ensues a long parley,—I demanding what the expenses were, and that a distinction might be made in the account they render between *duties* and the other charges. The fellow is obstinate, but by no means so violent and impertinent as my *absurd conduct* gave him a right to be. A sense of this takes possession of my mind while he was there, and I feel deeply humiliated at this renewed instance of the *furor brevis* to which I am so lamentably liable, and *vow* reformation. Sit down and write to his employers, requesting them to give me the necessary information; and, afterwards, write to the vice-consul at Antwerp to see to the matter for me. Go out to walk; afflicted and thoughtful,—grieving at my fatal weakness, the *sin* that *so easily besets* me, and wondering how any reasonable being can be so foolish. But my *nerves*, my *blood!* It is the *body*, not the spirit, that sins! Rain comes on while I am out, and helps to cool me. Dine alone. At half-past 9, call on Lady Hastings and stay there an hour. While I am there Lord James Stuart comes in; Sir Robert Adair and Mr. Crampton. I take leave of this charming family with the deepest regret, and *shake* hands with them all, expressing my desire and my hope of seeing them again.

Note. Every body going to Italy.

20*th August.* Invited to play whist at the Prince's this evening; which I do, and come away winner of 34 points. Invites me to dine with him to-morrow.

21*st August.* Del Chambre comes in, under pretence of offering me, for sale, a pair of carriage horses, but *really* to try to renew my former engagement; proposes, in consideration of my having a carriage, for 300fr. Tell him I will consider of it; meanwhile, says he will send me a pair of horses to-day to go out with,—does so. Dine at 5. The only *new* guest at the Prince's a brother of Mr. Taylor's, who was formerly minister at Berlin.

In the evening, to a *soirée* at M. de Latour Maubourg's. Madame asks why I have been so long an *absentee*. Company very thin; nobody in Brussels, and poor encouragement to incur expense. Invited to Lady Morris' to-morrow evening, (shan't go), and to a farewell *soirée* on Monday, (accept). Lord Wm. Paget excuses himself for not having called earlier than he did. Find the evening rather heavy, and am off at 11.

Mem. Between dinner and half-past 8, play at the Prince's with infamous luck, losing 51 points. Much talk about Lebeau and the ministry, whose signal incapacity all admit and deplore, but don't know how to remedy. Lebeau is decidedly clever, but so very a coward (morally, at least) that he is always throwing himself into danger in order to avoid it;—e. g., in debate, the other day, he made use of the information I gave him and the *extract* from the treaty of '94. He, at the same time, cites the newspaper he sent me; but because, in the note I wrote him containing all the information I had to give, I told him it was not for me to say what bearing it had upon the question before the house, as it would be improper in a foreign minister to meddle with the internal affairs of a country, he takes occasion, after reading his newspaper, to say, I had not sent it him; that *I* would not have done so, nor *he* requested it, for it would have been *inconvenable.* Now, for the fact, it was true,—I did not send the *newspaper;* for the *inference,* obviously insinuated, that I had not sent any other of the things he relied on, it was false; and, for the *commentary,* that it would have been unbecoming of me to have furnished him with this or any other *information,* without officiously arguing the question before the Chamber, it was equally impertinent, groundless and dangerous. Should the real state of the case ever come to the knowledge of the public, they will say, "in denying the fact, you admitted its criminality in law, and you stand before us, and your friend, the minister of the United States, with you, condemned out of your own mouth." Thus, by his "cowardly rashness", a perfectly innocent affair is made a high misdemeanor, and punished with all the shame and remorse of guilt. Such is the legitimate consequence and just recompense of *every* deviation from truth and integrity, however slight; and there never was a better proof that honesty is true wisdom.

22*d August.* Receive two letters from the Department of State; one about the ratification of the treaty, the other (most truly *American*) limiting the *contingent* expenses of this mission to $500 a year. Now this is, in fact, a great deal more than they have been for the *past* year, even should they allow me office-rent,—but the niggardly, and, what is worse, (I suppose,) narrow-minded and foolish policy of thus attempting to circumscribe *contingency,* and reduce their diplomatic representative to the condition of a broker's out-door *clerk!* Heavens! "the magnificent affluence of North-America", as Bulwer calls it,—illustrated in this most vulgar and miserly parsimony about candle-ends; and a system under which all elevated and gentlemanly feeling, even in their highest officers and represen-

tatives, is utterly crushed, dignified with the name of economy, while millions are squandered upon the wildest projects at home, because they feed noisy and active ragamuffins.

23d August. Go out to the Chambers to-day, to see how the motion of Gendebier & Co., to impeach Lebeau for the *extradition* of the French rogue, comes on. The *tribunes* all full. In that of the *corps diplomatique*, Count de Latour Maubourg with three French gentlemen, *à l'air distingué*. Afterwards comes in a fourth, whom, I afterwards learn, is the Duke de Choiseul. Hear Nothomb conclude an able and victorious defence. The whole pack of the opposition *open* together when he sits down, but like hounds that have lost the scent. Their coarseness, *grossierté* and personality beat even our Congress,—*c'est tout dire.* But what is more, they are *cracked*, stark mad, (and those who are not for *another* row, if, indeed, there *be* any such, of which I have very great doubts,) and as ignorant of public affairs as children. Horrid day, like November.

24th August. Receive a card from the Duke de Choiseul. Baron de Pocderlé calls, and, among other things, describes to me the horrors of Bonaparte's military despotism in Belgium, especially after his reverses in '12. The conscription, according to this account, was the most dreadful *engine* of terror and torture ever invented by a tyrant. Yet its victims, after staying six months in the army, were sure to be devoted, heart and soul, to the emperor,—such was his talent *de fanatiser ceux qui s'en approchaient.* Take this example of despotism: Madame d'Outremont, whose son had been *conscribed*, offered the emperor *half* her fortune to let him off. Madame, he replied coldly, your fortune and your son alike belong to me.

Go out at 3, *en voiture*. Call at Mr. Taylor's, Lord W. Paget's, and at the Hotel de Bellevue, to inquire for the person who left me a card this morning, and writes himself "Grantz Mayer de Baltimore"—don't find him. Go to Mayer's librairie and borrow Trelawney's "Younger Son." This person is he to whom (quite unknown to me) I, at the request of Mr. Vail, Chargé d'affaires of the United States at London, (equally unknown,) gave letters to my friends in Carolina. Yet I did not know how to refuse, and so I described him, as described to me, as an English *gentleman*. Have heard of him from two quarters,—learn he is so much pleased with Charleston, that he purposes returning thither. Dine at 6, at Mr. Northey's. Small party of English; two new arrivals,—one of them an officer (army or navy); talks about his love of the Americans,—same *old* topic. Asked to stay in the evening, but have an engagement. Mr. White tells me he will come to-morrow and read to

me something he has written about Mr. Gendebier's attack on Lord Ponsonby. On being reminded that the said G. de B. is good at a *hair-trigger*, says that he has taken that into the *account!!* Bah!

25th August. Read "The Adventures of a Younger Son"; clever but not interesting, so far as I have read. If a *true* story, indeed, it would be better,—but, as a *fancy piece*, so so. Call, *en voiture*, on the Duke de Choiseul; leave my card. Dine at home. After dinner, call at Mr. Seymour's. At a quarter past 9, go to a grand ball given in the fine Salle de Grand Concert, by the officers *de la garrison de Bruxelles*, in honor of the queen's *fête*. No English ladies there but Lady and Miss Morris, and Mrs. White, with a Miss Gore that is here *de passage*. The two latter only dance. Great many Belgian women. King comes in at half-past 9, and *stands* all the while, speaking to people about him. Before he comes in, I have a talk with Baron Evain, Minister of War, who has a *very long face* and thinks *war* not improbable in the spring. Sooner or later it will come, I dare say; for things can't remain where they now are, with such *violence in the liberal party* both in France and Belgium. I stay at this ball, stewing and stupid, until the king goes, and retire, myself, at 11, with a shirt wet with perspiration.

N. B. Another illumination (third), but knowing nothing of it, I don't join.

26th August. Write to Count de Mérode, acting Minister of Foreign Affairs, about the *non*-ratification of the treaty concluded at Washington between the Secretary of State and the Belgian Resident. Walk out. Dine alone; while at dinner, receive an invitation from Gen. and M. la baronne d'Hoogvorst, to dine at their chateau to-morrow at 5,—accept. After dinner, read Trelawney's novel. At 10, go to Lady Morris' party; almost exclusively English. Talk to Miss Freke and others, of breaking my heart because they are going away. Return to bed, at half-past 11, through a lovely moonlight.

27th August. Receive a letter from Mr. McLane, enclosing one from Petigru at Washington, and another from my sister at Buncombe. P's. health bad; poor fellow, I hope not permanently. Tells me of an English girl's (Miss L.) being seduced. I saw into that matter two years ago, and think her parents richly deserve it. Tells me they are dissatisfied at Washington with me, for having expressed my doubts about the failure of the nullifiers. If they don't like it, they must ———. Just see what we democrats are! Doctor Pangloss Candide! motley's your only wear. A third of heaven's host pulled down by that

arch-tempter C******,—so much the better! The President's nose pulled till it bleeds by a cashiered ruffian,—so much the better, etc., etc. I'll see them all ——— before I lie thus to others or myself. Such optimism is precisely the ruin of the country.

28th August. Day thrown away,—*operose nihil agendo*,—except reading some pages of Xenophon de Republica Atheniensum, which is a fine specimen of Socratic irony. Ought to have noted, that I dined yesterday at the Chateau of Meysse, with Gen. baron d'Hoogvorst. The king was there at a *partie de chasse*. I was invited to dine at 5; got there at half-past;—ushered into the salon, where I saw Mad. and Mademoiselle d'Hoogvorst, and Mad. de Latour Maubourg, with Mr. Conecuy, the king's secretary. After some time, Mad. Leon d'Hoogvorst comes in. It is delicious weather,—*le plus beau jour de la belle saison*. We go out to breathe the fresh air and look at the fine garden and chateau. A boat is tied to a pier-head on the pond; we get into it, and, with immense trouble, (for the water was low,) we get it afloat, and calling a peasant to our assistance, row (that is, *are* rowed by *Wappes*, his name) to the other end of the pond and back. The sun is setting when we return into the house, but it is long before the sportsmen come in. At length, half-past 7, they are announced, the king at their head,—M. de Latour Maubourg, Casimir Perier, Hamilton, and all the d'Hoogvorsts in their *costume de chasse*. After the necessary compliments, H. M. (who was in a short coat, or *coatee*, and *gaiters*) goes off to Lacken; and, after another delay, to allow the sportsmen to make a toilette for dinner, famishing (for I had eaten nothing but a little dry toast for twenty-six hours) I find myself at table, and a very abundant and rather good repast before us. At half-past 9, return by the loveliest moonlight that ever shone upon the harvest-home, and am at home at 11.

To-day (Wednesday) dine at the Prince's. Don't know why, find the dinner party stiff and cold. I believe the cause is within—the letter I got yesterday. I never hear from home without a decided depression of spirits,—regrets both private and public. After dinner return home and read a novel until a visiter comes in. Do *not* go to Latour Maubourg's in the evening; tired of the everlasting sameness of the society.

Invited to dine at Lacken to-morrow,—*tant pis*,—though I shall have the pleasure of seeing the sweet little queen, in the first bloom and pride of *maternity*. I am afraid things are not going well for the dynasty in other respects. It seems to me it has no friends that can be depended on, except, indeed, all the priests, of whom I know nothing. The opposition hate the present order of things so much, that I don't believe they would

stick at a restoration, with conditions; and there is more than one speck of war on the horizon. Then there is no *ability*, civil or military, in the country, adequate to such a crisis. Before dinner, I hint this to Sir R. Adair, who tells me he is very much of the same way of thinking. At table, I broach the subject, more especially in reference to France, to Count de Latour Maubourg, but he thinks all well. *Nous verrons.* Perhaps he's right.

29th August. Dine at Lacken. We first assembled in the fine rotunda, from which we go out upon the steps behind. The view from them is very beautiful. Through one vista you catch a view of Brussels. At the foot of the eminence on which the chateau is built is a sheet of water; beyond which is the road to Antwerp; and, on the other side of that, (the great eye-sore of the chateau,) a huge factory of some sort or other, with its *cittish* and money-making look. The Court is in mourning for some relative of the king's, but, the Grand Marshal having given no notice of it, the corps diplomatique, who are all present, omitted the sad trappings. Madame de Latour Maubourg is dressed in white with ostrich feathers, and contrasts violently with the deep purple of Mad. de Vilain XIV., the only *dame du palais* who was there. The third lady (there were only three) was Madame Leon d'Hoogvorst, to whom I gave my arm. Just before I went up to her, I saw M. Rogier, Minister of the Interior, approaching. She declined his offer, telling him she had been *laid* out as a match for me by the Grand Marshal himself. R. richly deserved this public *exposé* of his *manque d'usage*. On my right, at dinner, sits M. de Georlache, President of the Court of Appeals, with whom I have a good deal to say about lawyers, law, etc. Tells me L'Herminier is a very young man. I say his book is an "*ouvrage de jeune homme.*" "Civil law *not* studied in France", and he agrees the bar there is fallen off. After coffee, and her majesty is seated, we go up one by one to make our compliments. She asks me how I have been, during the long time she has not seen me. I tell her well, and "hope she is as happy as she has made others." "You are very good," etc.

After a long and tedious *soirée*, (warm withal), we get off at about 9 o'clock; an event somewhat hastened, probably, by the *delicacy* of Mr. Fallon, a member of the House of Representatives, (the same whom Hamilton's coachman whipped the other day,) who fainted away.

Lovely moonlight. After my return, I throw off my *armor* and take a solitary walk. In bed (not being very well) at half-past 10; and am "sicklied o'er with the pale cast of *thought*", for I don't know how I shall make both ends meet with my American salary, without totally reducing my establishment.

Living from hand to mouth in a Court, or giving up society altogether, seems to be the only alternative.

Note. Mr. Lebeau thanks me again for the aid I gave him, when he was attacked in the Chamber the other day.

30th August. Dine at Sir R. Adair's; only Sir Brook and Mr. Taylor, Seton, the Rev. Mr. Jenkins, Van Praet, and the two secretaries of the English legation and myself. At table, I am speaking of Bulwer's book on England and Englishmen to Van Praet, *sotto voce.* To my great surprise, Sir R. overhears me and says, "Ah! he is one of those corrupters of our language, with his grasp of *intellect*," etc. This was pronounced with so much heat, that I remembered *then*, for the first time, Bulwer's saying of the English corps diplomatique that there was not a man among them up to mediocrity, except *fulano* Lamb, a man of fashion. Seton, who, of course, begins forthwith to rail at him, (for how should his malignity overlook such a chance?) cites this impertinence, and then they all fall upon the poor author, to whom they give no quarter. It is hinted by somebody, that *he* (Bulwer) is aiming at being made a foreign minister himself. On the whole, the subject proves to have been an unlucky one for me to touch upon; though, as I did it in a *tête-à-tête*, I had no reason to expect such an *explosion.* The truth is, however, that Sir R. has reason to be indignant at this sweeping condemnation of himself and his colleagues, for *he* is, at any rate, a shining refutation of it. An honester English statesman never lived, and few abler public men are to be found any where. I have been frequently struck at the great precision, perspicuity and force of his dispatches, which he has repeatedly done me the honor to allow me to peruse. But Bulwer is a man of talents and an enlightened political writer, for all that,—bating, always, his radicalism and Benthamitism. I sent him, the other day, my article on the Utilitarians, to make him *reflect* a little on that matter.

31st August. This day, fourteen years ago, I was in Aix la Chapelle. Del Chambre comes in, with whom I strike a bargain for horses the next month,—215 francs; but it is too much.

While I am at my German lesson, a young American is announced and shown up stairs, who proves to be a townsman of my own, second son of the late John Middleton,—and who presents me a letter from Jas. Hamilton, Jr. *He* has been recently appointed to deliver a eulogium on the late R. J. Turnbull. He begs me to pay his young ward some attention, (which I certainly shall, for my *love* for the old Charleston race is as strong as life,) and to give him letters to Paris. The boy himself is very young—only 19. He sailed from Charleston to St. Petersburg,

and came back by Hamburg; Mr. Buchanan, late Minister to Russia, brought him as far as Aix la Chapelle in his carriage. Says Mr. B. is ordered to be in the United States by the 10th Dec., and is hurrying on to Paris because of the report of the President's dangerous state of health. Should like to see him, notwithstanding; and hope he may be able to visit Brussels, since he was to have gone to the Hague on some errand or other. Invite my little countryman to dine with me to-morrow.

It is dreadful weather; an equinoctial storm; *ennui.*

1*st Sept.—Sunday.* Storm continues so that I do not go out the whole day. Write a note to M. de Robiano, returning the Soirées de St. Petersbourg of M. de Maistre, which he had lent me. Read some hundred and thirty pages of the Confessions of St. Augustine, which are a strange enough composition, to be sure. Not having read any bad Latin for a long time, or any work not *classical*, am shocked at the style, though it reminded me of Jeremy Taylor's diffuseness.

Wait dinner for my young countryman until nearly 7. He neither comes nor sends an excuse; so I dine alone by candlelight.

2*d Sept.* Mr. Middleton calls and apologizes for not having come; "though," says he, with great *naïveté*, "I suppose you hardly expected me." I tell him I will call at 3, and take him in my carriage to see the chateau and grounds of Lacken,—which I do. I take leave of him at half-past 4, having given him a letter to Mr. Warden, at Paris.

Dine at Mr. Taylor's at 6. See Mr. Butler, who is just returned, looking remarkably well. Gives an account of Percy Doyle's falling from a horse, by which he broke his head and lost his senses for twenty-four hours. After dinner, whist; I lose two rubbers, and excuse myself for playing no longer. Return home at half-past 10.

Sir Robert Adair, I learn, was taken so ill on Saturday, while at dinner, at his own house, with a large party of *officers*, that he had to leave the table and go to bed. He has been in danger, but is better.

3*d Sept.* Bad weather continues. At half-past 2 clears away a little. I go out on foot, having suffered much from want of exercise. On my return, call, *en voiture*, upon Mr. Fitzgerald, who gives me a number of the Examiner, and asks me to dine with him *en famille*,—Mr. King, a nephew of Lady Hastings, being the only person invited. Take a bath, by which, and the use of the flesh brush, I am wonderfully refreshed. Dine at 6; *pt. partie quarrée.* Lady Charlotte, who knew Lord

Byron well, entertains me with several anecdotes of him. The lady who rejected him, just before he proposed the last time for Miss Milbank, was Miss or Lady Keith. The young person who, Moore thought, would have managed him, was a relation of Lady Charlotte's, and, *she* says, *entre nous*, the *last* woman in the world she would have thought of matching with Byron: cold, haughty, repulsive, slow of apprehension, though very sensible. Says Lady Byron was one of the dullest persons in the world. How could it be expected, as somebody remarked, that such a union could end well; where one was all imagination, and the other all *calculation?* What seemed most disgusting to Lady C. was the profound hypocrisy of their conduct towards Byron, who had no idea what was going to happen.

At half-past 7, go to the Prince's to play whist, and, having won 35 points, go home and sleep comfortably. Night dark and cloudy.

Sir R. Adair much better to-day; but

4th Sept.—worse this morning, having passed a bad night. News of tremendous havoc among the shipping in the channel of the Thames, by the late (or rather *present*) storm. Count Lenowski calls with Count Plater, another Polish refugee, whom he introduces to me, and with whom I have a long conversation about America principally. A very intelligent and perfectly well-bred man. Goes on, to-morrow, to Aix, whither he is taking the Countess to the waters. After a walk, I dress and go to dinner at the Prince's; where Hamilton tells us Sir Robert Adair is as ill as possible, and his disease is a *fièvre tierce*. He is, it seems, seventy-two years of age. After dinner, the Prince plays at whist. I do not join. Hamilton apologises for sitting on the right of the Prince at dinner, saying the Prince had directed him to do so; which I don't *exactly* comprehend. Bad weather continues, though it occasionally clears up for a few moments. It is very cold for the season; fire rather agreeable than otherwise.

5th Sept. Receive a visit, to-day, from a gentleman who sends in his card as "le Chevalier *Frost*." Recollect hearing Sir R. Adair and Hamilton speak of him as very anxious to be presented. He is shown up; and I presently after go into the drawing-room, where I see two gentlemen. One, with spectacles on nose, and apparently the spokesman, introduces himself as Sir Somebody Frost, and tells me that, being on a *scientific tour*, he thought he would take the liberty of calling upon "my Excellency." Whereupon I read my man through at once, and have a long talk with him about his botanical studies, Paris, America, etc., etc. He is as raw as a boy just from College. I

never saw greater simplicity, and should suppose he had been knighted for it; though very amiable and, of course, single-hearted withal. His companion was a doctor. "Dr. Bowring?" said I. "No, Dr. Winder." He had been in Canada during the war, (whither he is going again,) and was present when his namesake, Gen. Winder, was taken prisoner. "The resemblance," said he ———. "Indeed," said I, "now you mention it, I think you do resemble him." Out again,—he meant the resemblance of their *names*, and, I suppose, resembles him in person as much as the thief on the cross. Take their leave, and then I go out *en voiture*. Meanwhile, see the Seymours passing. Madame looks better, but Emma not. Mr. Fitzgerald tells me where I may find a pair of horses for sale. Tell him I am going to travel, and don't think I shall buy till I return. Weather seems breaking off.

6th Sept. While I am at my German lesson, to-day, my servant brings me the card of "Charles Stuart Perry, des Etats-Unis," whom, according to the standing order in regard to Americans, he has shown into the drawing-room. I excuse myself to my *maitre de langues*, and present myself with "sad civility" to the strange guest up-stairs. As I enter, "Mr. Legaré," saith he; "I suppose you don't remember me." "Your face is familiar to me, but I really do not know at present where it is I had the pleasure of seeing you." "I met with you only once; but have never forgotten that evening." "Where? when?" "Recollect where you were on —— Sept., 1830." In short, Mr. Charles Stuart Perry was a person I met with at a little country inn at Lancaster, in South-Carolina, on the eve of a dinner at which I had the honor of assisting as an invited guest, in company with his Excellency Gov. Miller and the said C. S. P., who was just arrived from Alabama, and who was one of the last men in the world I should ever have expected to encounter on this side of the Atlantic. As it was, I narrowly missed that happiness. He had, it seems, actually taken his seat in the Diligence, and was almost *off*, when he found out I was here. He did not hesitate a moment to put off his departure until 3, in order to see me, and so, by 12, he was at my door. Almost as soon as I got into the room, he began to talk of General Dwernycki, whose acquaintance he had made in hunting up Gen. La Fayette, and to whom he introduced himself as a friend of Poland and liberty, etc., etc. This generous enthusiasm naturally (in an Irishman's *buzzom*, at least) kindled into poetry, and it was not long before the sympathetic Hibernian inflicted upon me the Lord knows how many verses of his own manufacture, upon the misfortunes of Sarmatia. This extravagance nearly overcame my politeness, but, as I had seen him in Carolina, I rallied

and discussed nullification with him. Here, again, he was well-nigh spouting me to death, for he would have had me listen to the whole argument on the other side, from the very beginning, involved in clouds of Irish eloquence. This was worse than Poland, so I cut him short by thrusting in some victim of the Czar. He had been to Waterloo, for "he had heard of battles and he longed," etc., etc., and said that had it not been for that little taste of his,—had there been no field of Waterloo,—he had not visited Europe for these ten years to come. "I'll give you a little *souvenir* of Waterloo." "O Lord," said I, "I have been there; you know they force them on you there." "But I mean something of my own," said he. Whereupon, asking for pen, ink and paper, he sets himself about writing "something," he says, "to be submitted to my criticism." After a few moments of diligent scribbling, he held up and read to me some of the strangest stuff that ever a madman (as I now begin to suspect he is) indited. "So, you're a poetical nullifier," says I. In short, after talking with me full two mortal hours, and persuading me he was one of the greatest men, etc., he took his leave.

7th Sept. Ma foi, non mi recordo. Write to the Count de Mérode about the ratification of the treaty, which the ministry, through a cowardly subserviency to England, are manifestly shirking. Mr. Butler calls. Write to my landlord that I can't bind myself to keep his house a year.

8th Sept.—Sunday. Spend this day in writing letters against the next English courier: first, to my mother; second, to the Department; third, in the evening, to Petigru. About 2, go out *en voiture;* for, *mirabile dictu*, it is a fine day. Call at Lady C. Fitzgerald's, where I find Mad. de Pocderlé in the very act of taking leave,—going to Ireland to be brought to bed *at home.* Nice little woman, and, although speaking French perfectly, quite English. Take a drive on the Boulevard; call, *en passant*, at Mr. Butler's. Find, on returning to my house, his card and an invitation to dinner on Tuesday. At 6, dine at the palace in the little apartments. Dinner made remarkable by the presence of a radical *notabilité*, Dr. Bowring, *heres testamentarius* of Jerry Bentham, and editor (dit-on) of the Westminster Review; a very vulgar *Cuistre*, lecturing incessantly about first principles, and proclaiming himself, in every word, look and gesture, *Sir Oracle.* What a world it would be, if governed by these self-conceited and presumptuous popinjays; and yet their favorite *theme* of railing is the arrogance of the aristocracy, whose whole system of manners (the very antithton of this ribald school) is self-denial. He talked incessantly at table (sitting next to me on

my right) to Rogier, the Minister of the Interior, who listened like a most docile catechumen, and apparently with immense edification. After dinner, when the queen and her ladies are seated, he goes up to her majesty and harangues her in the most extraordinary manner ever witnessed, since the execution of Marie Antoinette; thrusting himself between H. M. and the lady next her, bobbing up and down his head and spectacles, like a duck in a puddle, gesticulating, etc., etc. We looked on in amaze. At last, Hamilton puts the Grand Marshal up to going to H. M's. deliverance, by engaging her in conversation; the manœuvre succeeds, for, after a few moments of indecision, the Radical leaves the Round Table and comes up to us,—but, after speaking a little while (in a most absurd strain of egotism), finding no sympathy in our circle, and no obstacle to his renewing his attack upon the queen, he is at her again; but d'Aerschot is on the alert, and takes him off by some means or other. Crampton says he is in advance of his times a long way; and is showing us a specimen of the manners of the *twenty-fifth* century. "Of all men else, I have avoided thee," as Macbeth says to another *gentleman*, untimely delivered, not born, or if born, earth-born.

9th Sept. Delicious weather,—warm, bright and genial. I walk, and then go out to drive. Invited to Mr. Seymour's again this evening, (I was there yesterday evening). Receive a note from Mr. Levet, my landlord, giving me *congé*, and thanking me for my *kind note to him*. This pleases me much, for I love to be at peace with all mankind. At Mr. Seymour's, in the evening, a small party given to another literary radical, Lady Morgan. I have always had, from her writings, or the parts of them I have happened to read, a great aversion to her, and would not be made acquainted with her, when I might have been, fourteen years ago. I could have wished to avoid her *this* time also, but Mrs. Seymour insisted, and I can't refuse her any thing. Her *Leddyship* begins by high compliments to America, etc. I took the first opportunity to decamp. Afterwards, I heard Mr. Seymour speaking to her of me, (as I could plainly perceive). She looked at me very hard, and on his saying something very kind, (I dare say, from his usual goodness,) she said, "Ah! he's the only one then,—at least, the only one I ever saw"; I suppose Greek scholar, or something of the sort. She had the good sense to say that mother Trollope's book is a very wicked one, and the absurdity to propose that she should herself go and make a better. Her husband, "Sir Charles", was also of the party, haranguing about the march of mind, or something else as intellectual. Draw on England for £60.

10th Sept. All day occupied copying dispatch, etc. At half-past 5, go to dine at Mr. Butler's, where there is a small party; but am compelled (the Court going to the play this evening) to leave the table, when the cloth is removed (as it literally *was*), to repair thither. I had taken a box; *Pré aux clercs*, given by order. See Lady Morgan in Latour Maubourg's box. I heard from the sister of Mad. de Latour, the history of her making their acquaintance in a recent excursion to Spa. It was a perfect specimen of the modest assurance and servile assiduity by which these travelling book-makers contrive to thrust themselves into good company,—as, on the other hand, the attentions shown them are evidently bestowed, or laid out rather, to be repaid with interest, when the "tour" comes out, at page ——, treating of Brussels, etc.

I arrive at the theatre after the king and queen, who are very punctual in their appointments with *Demus*. Don't think he was very grateful: house not full, and *vivats* not very loud or hearty; though fully enough so to justify a boastful representation in a court journal. Spectacle over at half-past 10. A son of Mr. Taylor's, with whom I had been made acquainted at Mr. Taylor's, joins me in my box and goes home in my carriage; a well-bred and pleasant youth, worthy of his family, who are very gentleman and woman-like.

11th Sept. Receive a card from Mr. Atherton of Philadelphia, whom I had seen at Paris. Go out, *en voiture*, to return the visit. Rainy. See him, and spend an hour in conversation with him, his wife (a *ci-devant* pretty woman) and his daughters, one of whom is charmingly pretty.

After dinner, go to a *soirée* at Count Latour Maubourg's. Lady Morgan (whom I rather like on acquaintance, for she seems a good soul) is there, and her two nieces, nice little girls, pretty and *remplies de talents*, as the French say. Dancing to the piano forte, played by Col. Prozynski. There were half a dozen young Poles, fine fellows, full of grace and spirit. We were all interchanging lamentions on their hard fate. Lady Morgan's nieces sang two Italian airs very sweetly. They are the young persons mentioned with such praise by Count Pückler Móskau. Have much talk with the little Freke, who is going away, and promise to go to-morrow to see her likeness.

Mem. I have now *no doubt* that Casimir Perier has, for some reason wholly unknown to me, conceived a deadly aversion—ill disguised by a *modern* French smile and bow—towards me. So it is with Prozynski, who went a great deal out of the way to get presented to me, and, after calling twice or three times to *have a talk*, was guilty, all of a sudden and without assignable cause, of a breach of politeness, which has made me almost

drop his acquaintance. Both these persons are very intimate with Miss ———, whose detestable disposition I early *divined*, whose impertinent airs *I* have treated with cool disdain, and who hates me, I suspect, as she does the devil, (if she hates him as much as the rest of her friends), because I don't think her a beauty, and have never given her an opportunity to display her wit in conversation with her. I have heard she vilifies "Americans", and I have no mind at all to win *her* good graces for my country.

12*th Sept.* A very fine day, which I remark as a very unusual thing now-a-days; so I go out *en voiture*. Call on Count Plater, and ask him to dine with me on Saturday. Afterwards on Mr. Atherton. Receive, this morning, a visit from Mr. Trapman of Charleston, who tells me he came from Ghent on *purpose* to see me, and goes to Antwerp to-day. Invite him to dine on Saturday, which he says he will do if he can. Invite Mr. Atherton, but he declines,—his arrangements being made to go on Saturday. On my return, call to see how the Prince is,—ill of fever and bad night. Then at Sir Robert Adair's, whom I see for the first time since his illness; is very much reduced and feeble, but not as much so as I expected to find him. Says he expects some *notabilités* from London,—among them Joe Hume, the *economist;* adds, laughingly, "I don't know whether to give him a very bad, or a very good dinner." I advise him to give both, that Hume may judge for himself between radicalism and (diplomatic) epicurism. Says he will make me acquainted with them, and have me to meet them. On my return home, see cards from Casimir Perier and his brother Paul; an anchor cast to windward in case of a *ball*, etc., no doubt. I don't like any *bourgeois gentilhomme*, but least of all a French one. Pay Jones his *due-bill*. Spend an hour at Mr. Freke's, and am quite in love with mademoiselle for her goodness.

13*th Sept.* Don't remember any thing of consequence. In the evening, at half-past 8, call on Mr. Atherton at his lodgings, and see them all. Give him some hints about "sight-seeing" at Antwerp. Meet with a Mr. Bryant of Philadelphia, who is just from Baden, etc.

14*th Sept.* Bothered by preparations for dinner and noise of servants. Don't take my German lesson in consequence. Receive a visit from Mr. Bryant. Walk out and back; read a little; dress for dinner, and, at 6, receive my visiters,—all English but Count Plater; but, owing to mistake, (from verbal answers,) two of my guests missing, and we sit down only nine. Good dinner; four of my men sit with me at table until 12 o'clock,—Fitzger-

ald, Butler and Nixon, *Paddies*, and White an Englishman. Drank like Carolinians—(by-the-bye, a decanter of old Carolina Madeira charmed them wonderfully). I was surprised at the coolness with which they swallowed glass after glass (as I *once* could, but never *shall* again), I confining myself principally to Hock and Seltzer. My Johannisberger and Lafitte *font effet*. I go to bed horribly *accablé* by this tremendous *séance* of six mortal hours, which, from want of habit, almost kills me now. At one time I had to leave the table to get fresh air, for I was quite sick, though I had eaten and drunk very little.

15*th Sept.—Sunday.* Wake at 8, so horribly done up by my "sitting" yesterday, that I take a little magnesia. I have been unwell, for some days past, in the bowels, and although I abstained yesterday, yet the heat of the room, snuff, cigars and smoke were too much for me. After breakfast, walk out on the Boulevard towards the Porte de Hal. On my return meet with the *Chevalier* Frost, who, after many compliments, tells me he is only "walking, and, having nought to do, 'twill give me great delight to follow you." Says he is charmed with me and my country. "Why, just see," said he, "what they did for *me*; they conferred a degree upon me, without having ever seen me or heard of me, just on the strength of a work in which I developed some new principles of botany (I think it was). And what has England done for me? or what have I not done for England? I have given it an *herbarium* of fifty, I should say fifteen thousand dried plants,—that's what I've done; and all I have got by it was to be turned out of my place by Lord Stanhope: for once I used to give dinners every week to all the literary and scientific characters that came to London." This innocence and *naïveté* were quite charming. The conversation turns on Lord Stanhope, who quarrelled with him, it seems, (for King Leopold had asked about the *cause* of the direful strife between Frost and the Earl,) about an order and a present (I think it was a sword) sent him as a compliment from Portugal; Stanhope, in his double capacity of President of the Society and a Peer of the realm, protesting the honor was *his* due and not a *commoner's*. I walk past my house and back again, listening to his simple chattering, and wondering how a man of science, who, as it appears, has been a good deal in the world, could be such a Johnny Raw. *Chemin faisant*, he tells me he feels very much indebted to me, and will give me reason hereafter for not repenting of my civilities. I tell him it was well he had not told me that before, for the hopes of such reward might have thrown a suspicion upon my disinterestedness. Nothing, however, really horrifies me more than the idea of getting into a book; if that

be the sort of recompense he means. Among other things I said of Lord Stanhope, he declared him a very hypocrite, an in politics, a disciple of Metternich.

Call on Mr. Bryant at Bellevue, and take him out to dri with me in the forest. Bad weather still. Spend the evenin at home.

16*th Sept.* At a *soirée*, this evening, at Mr. White's, (awful y stiff—so much so, that I never went into the principal drawin room, but held myself aloof, in the passage, where there was a *sofa* and Lady Morris with me, besides some others,) a you g Pole, who is just returned from a disastrous enterprise in h s wretched country, is presented to me. Among other things, h e tells me he thinks Louis Philippe can't reign long. "What wi ll they substitute?" say I. He doesn't know what to answer, bu t says the French government is too *rétrograde*, and won't b e borne. I tell him the liberals in Europe have exaggerated no tions of free government; that they are to *us* and the Englis h what young lovers are to old married people,—they dream o f the loved one as an angel without blemish, whereas she is a mere mortal after all, and, like every thing terrestrial, requires many allowances to be made for her,—especially in France, the only refuge of free thought on this continent, and which would not be so long, were its government half so weak as La Fayette and his men would make it.

Afterwards, Lady Morgan comes to our corner. I invite her to take a seat on the sofa. Presently she goes towards the door, and comes back with "Sir Charles", whom she presents to me, and who immediately begins to talk about America. He asks me what is thought of Jefferson. I tell him what I think of his theoretical politics. Says his meaning was what is his reputation for *talent*. I tell him very great, and for orthodoxy still greater,—every dominant party being the "only true Jeffersonians." I remark on his style as occasionally faulty and affected, and especially full of *neologism*. "Aye," says he, "but very forcible." No doubt, I reply, and then instance his correspondence with Genet and Hammond, as equal to any diplomatic pieces I ever read, and a specimen of most triumphant controversy. In the course of the conversation, I mention Franklin's prediction—about the trade of a king being a very bad one in fifty years—as verified. I add that, as he had proved that the flash which terrifies us in the thunder-cloud was only the same electricity that may be excited by rubbing a cat's back, so his severe common sense had disenchanted mankind of all the prestige of worldly grandeur and artificial distinctions of rank. He laughed, and seemed struck with the thought.

Casimir Perier bows rather civilly this evening, but I pass on

without any offer at speaking. Poor Prozynski comes up and speaks to me. This, I suppose, in consequence of my giving half a guillaume to the dear little Freke, in aid of some charitable purpose of her's with respect to the Poles, and of my remarking on his unaccountable behaviour towards me. Still rainy.

17th Sept. Shocking weather still. Receive a visit from Count Plater and the young Pole I spoke to yesterday.

18th Sept. Receive a letter from Mr. Harris, Chargé d'affaires at Paris, concerning Mr. Livingston's arrival at Cherbourg, and that he has some newspapers and documents which he will send me by a private hand. This *fashes* me not a little, for I never get American news until it is *stale;* and I write to him begging him to forward the *papers* immediately. I suppose he is afraid of adding a few *sous* of postage to my account for contingent expenses. Go out, *en voiture*, at half-past 2, to my banker's, where I meet with Mr. Fitzgerald, and, taking him up, go to his house to see some curious pieces of Dresden China he has just bought. *Chemin faisant*, tells me I gave them a *capital* dinner. I express myself much pleased with his report of it, declaring myself a decided amateur of good cheer. Go thence to see a dinner service offered for sale,—not good enough. In returning, call on Count Plater at the Hotel de Bellevue. Find him *au second* in a small room, where Prozynski presently comes. Go to the Boulevard du Jardin Botanique, and, getting down there, walk until half-past 5. Returning, call on the proprietor of the Hotel de Galles about an apartment there which I have a mind to take for six months from December. In the evening, to Latour Maubourg's. Small assembly, and all old faces, except a French lady, Countess somebody (a fine woman) and her daughter. Lady Morgan comes up to me, and asks me how it happens that all the ministers have called on her but the American. I might have given a better reason than I did, which was that I am not much of a visiter. She begged me to supply the omission as soon as possible. In the course of the short conversation I had with her, she told me somebody in the *Chambre des Représentans* had been impertinent enough to mention her name: "I suppose," said he to M. Jullien, "the honorable member utters his liberalism in hopes of finding a place in Lady Morgan's forthcoming book of travels." "Wasn't that an unjustifiable liberty to take with a lady?" Afterwards I make her sit, and then Sir Charles comes up, with whom I talk all the rest of the evening.

Mem. Latour Maubourg tells me the king and queen are going to Paris early in October, and he too on *a congé*.

Return at 12, having *set down* Crampton at his own door,

complaining horribly of the *partie*, as being neither *ball* nor *conversazione*.

2. *Mem.* Mr. Fitzgerald tells me Mr. Butler, as being the grandson of an Earl, thinks himself entitled to the *pas*, and is rather nettled if he don't have it, when there is no one with better claims to it. I laugh, and tell him foreigners are not supposed to know the pedigree of every English or Irish gentleman. He says surely not, and he only mentions it to expose his vanity.

19*th Sept.* Horrible weather,—rains *à verse*. I venture out notwithstanding on foot. Go to the Chamber of Representatives, but, finding the *tribune diplomatique* closed, proceed on my way. On my return home, find that Seton called. He asked my servant if I dined at Mr. Taylor's; *innuendo*, if I did, to call and take him there in my carriage. After dinner, to the Taylor's, where there is a new set of English,—Lord Cranstoun, General Taylor, Sir Charles and Lady Wale, with two pretty daughters, though of the *grampus* breed, Lady Morgan, (but not *her* Sir Charles). I get her to present me to her nieces, Miss and Miss Somebody Clarke. Count Plater, who is sitting between them, rises and offers his place. I tell him, *Je n'ose pas vous remplacer;* however, he insists, and I yield. I enter into conversation with Miss C., by telling her Prince Puckler Moskau had made her and her sister his *heroines*. I find she is not quite pleased with the celebrity conferred on them by his Highness, who, according to her account, is *no gentleman*. He prevailed on the dowager Lady Lansdowne (old enough, I suppose, for his grandmother) to make him a promise of marriage, and pay him £4000 for the breach of it. He was black-balled at the London Clubs, for some of his sinister doings. On some public occasion, in Ireland, he insisted on taking the *pas* from the Duke of Leinster, Erin's only duke, which led to a challenge, and to his being put into Coventry for the rest of the day. This is quite a nice little girl. She hopes that her aunty's book on Belgium and our noble selves, may appear before the "Trollope's." She (Miss C.) is persuaded that King Leopold's throne won't last long. She declares more than half of what Puckler says is notoriously false,—as, for example, Lady Somebody calling on him, and, on being told that he is in dressing-gown and slippers, insisting nevertheless on coming up. So of his pretended intimacy with Lady Morgan and themselves, and the *qu'il aille au diable* put into her sister's mouth on some occasion.

20*th Sept.* Mr. Taylor calls with Lord Cranstoun to see the house, which I show them and recommend. They go to my landlord's determined to offer £300 a year for it—£75 more than I pay. Go out *en voiture*, the weather being fine. Call

on the Morgans; thence to Mayer's librairie; thence to the Chambre, where, after some difficulty, I get admittance to the *tribune diplomatique*. Don't stay long, for Dumortier gets up to speak on *instruction publique*. Drive on the Boulevard, and get down at the Porte de Schaerbeck to walk. Delicious weather. Prince Auguste, who has been ill for ten days, reported in great danger,—*on l'a administré hier*. Dine, *en famille*, at Mr. Taylor's,—only five—Gen. T. and Seton. After dinner play whist, and, in five rubbers, win one franc. Lord Cranstoun comes in. I give him my place, and take leave.

Mr. Taylor sends to see how the Prince is. A very particular answer is brought, by which we are encouraged to hope that the worst is over, and that we may yet meet this noble Amphitryon at his round table. Mr. T. tells Lord C. he is sorry the house is already engaged for a Mrs. Tomlinson, with as many daughters as *Danaus*.

21*st Sept.* The passing bell is at this moment (11 o'clock, A. M.) announcing to Brussels the departure of the head of its society. Prince Auguste d'Arenberg is no more. Hamilton was at the races yesterday, at the dinner at Court, and at the ball at night, dancing jollily. There is the friendship of this world. But, on the contrary, Sir R. Adair is deeply concerned, and so are all the Seymours. Poor Emma is as much afflicted as if she were a daughter. At Mr. Taylor's, on the 19th, I saw Mrs. Seymour in tears, and presently they all went away. Afterwards, I learned that it was because very bad news had been brought from the Prince's sick bed.

I have let time run up such a score against me, that I despair of settling it fairly, for keeping a journal is no idleness.

I don't remember any thing about Saturday and Sunday, the 21st and 22d, except that, on the latter of these days, the preparations making for the celebration of the *quatre journées*, already excite the curiosity of the people, and, on Sunday, the boulevards and streets are more alive than I have seen them since I have been in Brussels,—precisely twelve months this day, or the next (23d).

On Saturday Sir Robert Adair calls, and invites me to dine with him on Monday, where I am to meet Mr. *Grant*, President of the Board of *Control*, Mr. Hume (Joe), *young* Mr. Senior, and Mr. Bowring, the *boring*.

23*d Sept.—Monday*. Salvo of artillery, at 7 this morning, ushering in the first of the *days;* which I pass in a sufficiently *hum-drum* style,—only, the weather being fine, I go out *en voiture* to see the crowd, attracted by marksmen shooting for prizes, etc. At 6, dine at Sir Robert's. Hand down to the table Mrs.

McGregor, who looks very pretty this evening, and talks so *doucely* in her simplicity, that she quite takes me. On my right is Mrs. *Senior*, a good soul, apparently deserving her name better than her husband, but, without being at all coarse or impertinent, *decidedly* vulgar. And, indeed, so were the whole set except Mr. Grant and the McGregors. Still, I like them all except Bowring, whose *outre cuidance* and forwardness are insufferable. Mrs. Senior was cracking jokes at the expense of her friend, Mrs. Hume, who had never been abroad before, whereas Mrs. Senior (as she took occasion to let me know) had been in Paris once upon a time. "Oh! we have taken her to such strange places, and it was *so* amusing to observe the impression they made on her." Strange places, said I; may I be permitted to inquire what these curiosities are! "Oh, to Cafés and Restaurans." Indeed, I reply, I don't wonder at her *sensations* then, for I own I never feel at home in one of them. She misinterprets this, and fends off by saying, "the *Mar-chio-ness* (Marchesa) Accomati goes to them, and if *she* can, I'm sure I may." This answers the double purpose of justifying her conduct and letting me know she knows that very amiable young lady, whom I met with some time ago at Lady C. Fitzgerald's. After dinner I have a long talk with Senior, who is a very intelligent and unobtrusive person. He asks me to breakfast, but I tell him if it is before 12 it is impossible,—for I never go out earlier. Then he tells me he will send me two publications in which he has had a hand,—the Complete Reader of the Whig Ministry, and some Report on the Poor Laws.

In the evening to Mrs. Freke's, where there is a small party. Count Plater tells me he has called repeatedly to ask me a singular though great favor,—which is to let him use as a pretext for declining an invitation to a *patriotic banquet*, to be given by subscription to-morrow, that he is engaged to dine with me. I tell him certainly, and it shall be the truth, if he pleases; so I invite him, with Lenowski and another young Pole, to dine to-morrow. Having done so, I make my escape very early, and go to bed at half-past 11.

24th Sept. On coming down, my servant asks me if I am going to St. Gudule to-day to assist, with the king, at the mass of the dead of September. I tell him no. Afterwards he comes in, and informs me the coachman had mentioned to him that the rest of the *corps* were there. This throws me into the greatest consternation. I expect to have all the newspapers out *upon me*, for my guilty conscience suggests that it is a happy deliverance from the scene that I fancy is to take place *after* the mass, at the *Place des Martyrs*. There never lived a biped that holds all that sort of mummery more in horror and detesta-

tion than I do. So, without a moment's delay, I write a note to Seton begging him to excuse me to His Majesty,—alleging that I had had no *invitation*, etc., etc., and understood Sir R. Adair to say, yesterday, that he did not intend to go. I wrote also to Mr. Livingston, *in case* the papers should notice it, justifying my absence completely. But before I sent my letters, I thought it as well to call on Sir Robert. On being shown up to the drawing-room, I find Dr. Bowring in the act of telling him what a sensation the absence of the whole *corps diplomatique* had created; for, it seems, none of them had gone, until about half-past 12, at the instance of the king himself, (dit-on,) who suspected some omission on the part of the ministry, messengers were dispatched *post-haste* to beg us to go, if possible, though but for a moment,—on which Hamilton and Crampton did present themselves at the Place des Martyrs; the messengers had not found my house, it seems, and I was greatly relieved by the information, and immediately call, according to appointment yesterday, on the little *Freke*, to whom I address as many compliments as my special affection for her warm-hearted and pretty little person prompted,—and those were *very*, very many.

Dine at 6. My Poles engage in a political conversation with one another, which they keep up with the greatest animation until past 10 o'clock,—I occasionally dipping in, but not enough to prevent my being mortally *ennuied*, for I was *waited* for during the last hour and a half. The principal interlocuteurs were M. Plater and a young gentleman, just returned from a mad expedition to Poland, where *he* escaped by miracle, but some of his companions suffered death, after the cruellest torture. This young man raves like a maniac when he speaks of the *retrograde* system of the "11 Mars", and prophecies the downfal of Louis Philippe. Count Plater talked very much like a man of sense, and, being a Pole, like a philosopher. I threw out occasional doubts about the guilt of the "Juste Milieu", and begged to understand *distinctly* what were the several charges alleged against it by the Movement Party.

Invited to dine at the palace to-morrow.

24th Sept. Before I come down, Mr. Burns of New-York, and Mr. Stevenson of Albany, call. The latter sends me up two letters of introduction,—from Mr. Van Buren and Mr. Walter Patterson. I have a talk with them; invite them to dine on Friday. Decline; going on that day.

At 12, go to the race and take my place in the royal *loge*. The scene was a very animated one,—the running no great things; but the race of *indigenous* horses (that is, English horses bred in Belgium) is far better than I had any idea it was. Count Duval showed some very fine beasts; and, what struck

me, entered, *avowedly*, three of his own for one prize. A jockey of a man, of the name of Salter, got thrown and miserably hurt. An accident happened to another, run by Lord Wm. Paget, a wretched poney, which was easily distanced. Sir R. A., who felt a chill, did not get out of his carriage, but sent me word he would be glad I would fetch Mr. Grant back to town,—which I accordingly did. I was charmed with the good sense and simple manners of this person. As I passed the Park and the Place Royale, saw such a crowd, that one who had not been at the populous race course would have thought all Brussels was there. The balloon was expected to be going up, but it was no go.

Dine at Court; about seventy covers. Before I go Sir Robert sends for me. I go and find him in bed, in a *perspiration*. He begs me to excuse him to the king, and to do another commission for him; above all, to let it be known he is not very ill, but has taken to his bed by way of precaution. The *portrait* of ——— is at his side, *in bed;* and he dreads should the cursed newspapers get hold of his indisposition, that both *she* and his sister will hurry to Brussels at the risk of their own health. Poor old gentleman: I know how to sympathise with him in this deep and natural feeling, which the world calls folly, and which, perhaps, *is* so.

From Court, home to rest a little. Then to a ball, given by subscription, in the *Salle de Grand Concert*, where I find their Majesties when I go in. The number of people not so great as at the military ball some time ago. The queen danced four times, and she dances perfectly well: *twice* with officers of the *garde civique*, managers of the ball. Lady Morgan is there and her husband and nieces. So is Hume; who remarks that they have two things here which they want very much in England,—economy and morality.

26*th Sept.* Grand Review, which I don't see. Go out *en voiture*, and find it difficult to make my way to the post-office on account of the troops, and back to the Place Royale, on account of the crowd that had been to see them. Call on Messrs. Stevenson and Burns,—not in. Hear that Mr. Patterson, with his sisters, are at the Hotel de l'Europe; call,—not in. See all the preparations made for the grand concert to-day. Returning, call at M. de Latour Maubourg's, and ask where the *corps* is to *be.* Sends me word, at the hotel of Count Werner de Mérode, in the Place Royale, in *uniform.* Have just entered my bureau, when Mr. Patterson walks in. He has been at Antwerp some three weeks, without my knowing it. I offer him cards for the *enceinte reservée;* he tells me to give them to Messrs. Stevenson and Burns, which I do. Make a toilette and go to the hotel de M. W. de Mérode. After some half hour or so, the Latour

Maubourgs and Hamilton come in. Afterwards their Majesties and suite. The *coup d'œil* presented by the orchestra on the platform of St. Jacques sur Canderberg, composed of 424 musicians of the different military corps in full feather, and of that beautiful square filled with many thousands of people, at least half of whom were well-dressed women,—was magnificent. The performance of that colossal orchestra was, also, wonderful. I was particularly struck with its execution in the overture of William Tell. It was worthy of consideration that these bands had never before played all together. Just before they began this glorious piece of music, which was next to the last, (a *mélange* of the Marseillaise and the Brabançon,) it began to rain, not very hard, however, and thousands of umbrellas were opened and added to the effect of the scene. But the concert, however well-conducted, was, like all concerts, tedious, for it was too long,—the first part alone lasting an hour and a quarter, and the whole not being over until past 6, when the sky was becoming dark and the audience hungry. And never did I see so large an assembly, gathered on *such* an occasion, discover such perfect *apathy*. As the king and queen drove off, a very few voices in their neighborhood uttered some scattering, faltering *vivats*. The bad weather was unfavorable to the illumination and fire-works at night, which, the papers say, were very brilliant. I saw a part of the former,—it was *any thing else*. The fire-works I did not see, being so fatigued by to-day and yesterday's work, that I was glad to get to bed about 10 o'clock.

27th Sept. Horrible day, rainy, dark and cold. Find the race takes place notwithstanding, and that their Majesties attend. So I sally out, and arrive in time to see an English horse, called Paradox, distance Count Duval's whole *stud* at once; at the which the poor little sportsman and Madame de B———e are doubtless very much chapfallen. Neither Count de Latour Maubourg nor I went into the king's *loge*, but stayed in the one on its right, where it was horribly cold. I had a long talk with Lady Morris, who tells me she smokes cigars constantly, and is positively going on Monday.

28th Sept. Mr. Patterson calls, and Mr. Serruys, vice-consul at Ostend. While Mr. P. is with me, Mr. Fitzgerald comes in with an atlas he bought for me, at a sale, some days back. We have a long chat, which ends in my inviting them both to dine with me to-morrow. Afterwards, I go out *en voiture*, and call on my man *Dubos*. Return and go on foot to the Frekes',—not at home. Thence to the Seymours; see Madame for the first time since the Prince's death. Tells me poor little Emma is exceedingly distressed, and weeps continually,—that she has

just prevailed on her to go out and take the air; mentions many little attentions of the Prince to her, (and they were even more numerous and delicate than I thought). She weeps, herself, as she speaks, and tells me she is glad she can do so before *me*, for the world might think it *ridiculous*. The world! As I go down I see Mr. Seymour, and have a talk with him. Ask him if he could reconcile it to himself to dine with me to-morrow. After some hesitation, begs me to excuse him. Thence home, and finding myself extremely unwell, (especially by that symptom of a disordered stomach, *chez moi*, bad eyes,) I sally out again on foot, and walk until 6 o'clock. As I pass, the proprietor of a fine apartment in the Hotel de Galles (who wants to have me for a tenant) shows me his stables, which are absolutely *under ground*. This alarms me not a little.

I dine alone, and, at 10 o'clock, go to a *soirée* at Mr. White's. Some English there of the name of Wyane, and very few besides. Horribly cold and stiff, and so I soon drop off.

Most of the persons I invite to dine with me to-morrow engaged.

29*th Sept.*—*Sunday*. Had a terrible attack of heart-burn last night, which compelled me to get up. Want of exercise on foot during these *fêtes*. As I come down to fill up some letters of invitation, comes one for me from the Grand Marshal of the Court. Dinner, of course, blown up. Excuse myself immediately to the gentlemen who had accepted, and in a *funk* about the time I shall appoint for it. Go out (the day being delicious) in my *landaulette* open. Call on Mr. Patterson—not at home. Take a drive; go to Summerhauzen's,—then home. At Court at 6. Before going there, send out my invitations for to-morrow. At Court, give my arm to Lady Isabella Fitzgibbon, daughter of Lady Clare, who walks with the French ambassador. This young lady *charmed* me. She would be plain were it not for her fine dark eyes—but she is so sensible and agreeable. Among other things she tells me, whenever she hears of mother Trollope's book, she thinks of Lady Wellesley,—whom, she has often said, were she governess of a Princess Royal, she would propose as the most *perfect model* of *courtly* manners. She has never seen any body like her. I really enjoyed this dinner. After it, Lord Cranstoun (who is there) comes up, and says he has a grudge against me for making myself so agreeable to his young country-woman, who had told him I paid her the prettiest compliment she ever had in her life. (So much the more fortunate I, for I really can't remember what it was, myself.) I tell him if I did not please, it was not because I was not pleased, for were I a young English lord, I should try to make her my lady. He assents,—(he is a handsome young man, about four-

and-twenty, who seems to me to be thinking of nothing but marriage, for he fastens upon every pretty English girl he sees with a doting fondness,)—then he enters into a long conversation with me, which is partly provoked by my telling him how I like the nobility of his country, for their perfect ease and nature in conversation. For instance, Lady Isabella had been speaking with me of her brother, (Lord Clare,) Governor of Bombay, with all the unrebuked rapture of a girl of sixteen conversing with one of her own age,—calling him an angel, the best of men, brothers, etc.; I was charmed with her eloquent affection, and told her *she*, at least, must be the best of sisters. The young lord just mentioned talks cleverly, after a fashion, but *à l'Ecossaise*,—that is, *somewhat* pedantically and scholastically, beginning at the beginning, assigning the reason of every thing, etc., etc. Mr. Senior, who is at my right, breaks in on my conversation, and compels me to join issue with him. He thinks my feeling towards England no fair specimen of the country, which, he is persuaded, (like all the rest of the English,) is decidedly hostile to the mother country. Says it is desirable that the United States should be *thoroughly* well represented in England, and asks if they have any chance of seeing *me* in that situation. I tell him no; however, I desired it, not as being at all worthy of the distinction implied in his question, but for the immense advantages a residence of a couple of years there would give me. Begs me to come after the *soirée*, and see them at their lodgings. I tell him I will if I can, but think I sha'n't. Dr. Bowring is there, who looks shy at me; I suppose he thinks I have treated him cavalierly, as I am inclined to do, or suspects me of having something to do with a severe pickling Sir Robert Adair gave him, some days ago, for a piece of flummery of his about the rights of man and the rascality of diplomatists, at a patriotic banquet given during the *fêtes*, at which he, Hume and Senior assisted,—neither is he out there.

Mr. Patterson calls.

30*th Sept.* Before I go out this morning, Mr. McGregor, who is to dine with me to-day, calls. While he is there, Mr. Senior (who is *engaged*, and can't come) comes in. We reason high of war, peace, Louis Philippe, and La Fayette, Leopold and the Dutch, etc., etc. These are both *very* intelligent men. After they are gone, I get into my carriage and go to the race, tempted by the genial and fine day. Get to the course just in time to see two infamous matches, in one of which, one of the two beasts bolts, and, in the other, the winner comes in on an easy trot, having double-distanced Lord William Paget's poor little pony, his only competitor. Not a great *monde* there, but the king and queen were. After my return, take a walk. Miss

Freke, who is passing in her carriage, stops and talks with me about our meeting at Paris. At dinner we are only *seven*, every body being engaged. Conversation very animated. Mr. Northey and Mr. Patterson remain with me until half-past 11, discussing the Belgian revolution, in which Mr. Patterson has, perhaps, too much faith, and Mr. Northey too little. The latter speaks of the Prince of Orange as a *personal* friend; and says there is *no doubt* but the charge, recently made in the Independant, of missionaries from the Orange party to London and the Northern capitals, is well-founded; that, from his privy relations with that party, he could have told 'em so long ago. I don't commit myself further than by saying that, be the sentiments of the people what they may, their *apathy* in political matters exceeds all belief, and must never be left out of any estimate of political chances; for a people, without individuality and a lively *sensibility* to their rights and duties, is a herd to be led or driven by a few. At half-past 11, I am pretty weary, and go out, it being a lovely moonlight, *en voiture*, to the Boulevard du Jardin Botanique.

1*st October*. Horrible fog and damp weather, inclining to rain. Call up my servants and tell them they must be making preparations against my departure in ten or twelve days. They seem all *au desespoir*, for winter is at hand, and places hard to be found. Coachman shows me signs of *use* and weakness in my carriage; at the which, being very much enraged, I write to Jones, telling him to look to his *bond*. Go to my banker's and deposit a draft for 1520 francs. Do nothing but fidget and fret all day long. In the evening, to a *soirée* at Lady Wale's, (a new comer, who shews violent symptoms of fashionable propensities,) where I meet most of the English *habitués*, and some I don't know. Shortly after I am there, Mr. Northey fixes me to a whist table, where, in sad civility, I sit and play *four* mortal rubbers, all which I lose. I then exchange a few kind words with *ma folie*, and make my escape.

2*d Oct*. Go out and call on Mr. Senior, who is going to-morrow to England. Promises to let me hear from him. Take a walk. Fall in with Mrs. Seymour, and, on the Boulevard, afterwards, with Mr. S. and Emma,—walk till 5. Dine alone, at 6. In the evening, go to Latour Maubourg's last *soirée*. Few people there,—the Morgans. Lady M. gets me to sit down by her, and begins to talk about the *provincial* tone of *Belgian* society here. Tells me she meets me no where but in the *grand monde*. I am soon off, and speak to my little Freke,—then to Sir Charles Morgan,—then some songs prettily sung by their nieces,—then home.

NOTE BY THE PUBLISHERS.

The Publishers deem it due to Mr. Legaré to say that they are satisfied, from both internal and external evidence, that he never intended this Diary for publication, but only as a collection of private memoranda for himself, and, perhaps, his friends. He may, also, have intended it as a note-book in aid of some future publication, as he was frequently heard by his friends to say (in reference to his diplomatic residence abroad) that he had materials for a volume. It is also proper to add that the difficulty of deciphering the manuscript may have led to several errors in the text.

JOURNAL OF THE RHINE.

Antwerp, 6th May, 1835.

HAVING suffered a great deal, for some months past, from disordered health, and, particularly, been confined almost continually to my house during the last month, I determined, as soon as my convalescence were sufficiently advanced to permit it, to set out on a tour of some weeks. It was, at first, my intention to proceed immediately towards the Rhine, through Liège and Aix-la-Chapelle; my principal object in that excursion (beside the re-establishment of my health) being to visit Bonn and its University, and to make the acquaintance of Augustus William Schlegel. This latter purpose I had a favorable opportunity of accomplishing, through my acquaintance with the Marchese Arconati and his wife, who are at present there, with their only son, an *élève* of Schlegel's and the University. But the weather continued (and continues) so unseasonably cold, that I determined to begin with Antwerp, which I have always considered as by far the most interesting spot in the Low Countries. So, having sent for post-horses, and having them put to my landaulette, I set off from my house in Brussels, Rue des Sablons, No. 9, at noon, on the second of May, and arrived at half-past 5, at the Hotel of the Grand Laboureur, at Antwerp, where I am now writing this.

The day after my arrival was Sunday, and a *Te Deum* was to be celebrated at the cathedral, on occasion of the birth of the *second* Crown Prince of Belgium. Magnæ spes altera *Romæ!* Without being aware of this circumstance, I had made up my mind to consecrate the day to that noble monument of the grandeur of Catholic Europe. Accordingly, immediately after breakfast, I sallied forth all alone, (for I came hither without even a servant,) and, at 12 o'clock, assisted at the extraordinary religious service of the day, whose character I soon divined from seeing the governor of the province and other authorities, both civil and military, in the choir, and a double hedge of soldiers along the whole length of the chief aisle. The effect of the fine music, heightened by that of the vast and magnificent edifice, in whose mighty spaces it was floating loose about like some aërial spirit, and of those famous master-pieces of Rubens (the Descent and Elevation of the Cross in the transverse aisle, and the Assumption of the Virgin on the high altar), before which I stood, was

such as recalled the *past*,—the deep emotions of youth and yet *unslaked* curiosity, which I once experienced (alas! sixteen mortal years ago) most intensely on this very spot.

After gazing upon those pictures and the cathedral for a long time after every body, but a few straggling votaries of saints about their images, or penitents in the confessionals, had left it a vast solitude, I betook me to another object of profound interest to me, not only because it is so grand in itself, but also because it has been before my eyes and in my ears from my earliest childhood, and, with occasional absences, as of late, continually since,—the sea and its tributary waters. Long and rapturously did I saunter about, in deep musing, upon the noble quays looking towards that vast opening, through which the Scheldt bears his here mighty flood to the ocean in which it is to be mingled with that of *our* still mightier streams, and dreaming that I could feel the influence of the soft pure air that breathes from the face of the great deep, and *hear* the mysterious voice that has always spoken to *my* heart from its ever restless and unfathomable waters, and seems now to speak of my home.

At *five* o'clock, the hour of the *Salut*, I returned to the cathedral to hear the music of that sweet *office*, and nurse within my bosom the deep religious poetry that had possessed it for some hours. It was at that service that, in the month of August, in the year 1819, then just turned of twenty-two, I for the *first* time experienced the sublime and touching character of the Catholic ritual. Never have I forgotten the impression made upon me by the strains I then listened to,—strains of a melody as soft and celestial as the light of the evening, with which they seemed to me to be mingling, to express the gratitude and the love of universal nature for its great Protector, at that most touching moment of transition from the serenity of the bright departing day to the repose and the stillness of the approaching night, in which man was to abandon himself once more, in weariness and helplessness and darkness, to the merciful care of heaven. After the *Salut* I returned to my hotel, where I dined alone, and received, in the evening, a visit from my most respected countryman, our consul, Mr. Patterson of New-York.

On *Monday*, the 4th May, I visited, after breakfast, the celebrated ship-dock, as well as the fortification thrown up at its mouth, to defend it against an enemy's fleet. This latter completely commands the approach to the town up the Scheldt, and is a most formidable battery. This dock, although I had been so often at Antwerp, I had never visited before. It is an imperial work. Near it stands an immense building, on whose façade is the inscription, "Domus Hansæ Teutonicæ, 15 or 16—." After this stroll, I called on Mr. Patterson, and, having appointed 3 o'clock for a visit to Wapper's great unfinished historical

piece,—the tearing up the Prince Frederick of Orange's proclamation in the Grande Place at Brussels, on the *second* of the four days of Sept., 1830,—I returned to my lodgings to repose a little. At the hour appointed we call at Mr. Wapper's house, and get a card of admittance to his *atelier* in the *Temple*. This curious old building is the home and fortress of the Knights Templars in this venerable city, and is built in the style of those times, with towers at the corners, etc. By a steep, narrow, winding stone stair-case, without any thing to hold on by to help the ascent, we mounted up in darkness to Wapper's apartment, where we saw three *élèves* studying and copying, and two pictures, one already exhibited at Brussels (the Burgomaster of Leyden refusing the supplications of the starving people, that he should give up the town), and the new piece. It is (this latter) very far from being finished, and I am not connoisseur enough to predict what will be its effect when completed. The subject seems to me well chosen for a great national painting, to be hung up in the Palais de la Nation, and well treated. The wife, the father, the sister, bending over a wounded youth, brought in from the combat, and exposed to the view of his infuriated fellow-citizens, made still more furious by the sight of their young and bleeding martyr,—the tumult of the press about this group,—the crowd above it, tearing to pieces the last mandate of their late masters, and scattering it in fiery derision and defiance to the winds,—here are certainly materials for a great work. I shall be curious to see it finished. The wife is a true Bruxelloise,—with fair hair and soft features, stamped with the deepest grief; the father's tears are scarcely suppressed while he appeals to his countrymen for vengeance; but the sister is still marvellously indifferent, in my opinion, and if she *is* intended to represent a silent, statue-like sorrow, great changes will have to be made in her face.

I dined with Mr. Patterson and spent the evening with him, and find myself better than I have been for eighteen months past; a *divine* sensation, which none that have not suffered long under ill health know how to appreciate, and, still less, to be thankful for.

Tuesday, 5th May. This is a great day at Brussels, and for all Belgium, especially Antwerp,—the *rail-road*, intended to connect the Scheldt with the Rhine, and now finished from Malines to Brussels, is to be opened with great solemnity. Many people are gone and going hence to assist at the spectacle.

After a walk upon the Boulevard for exercise, to help my health, which I find every moment better and better, I call at Mr. Patterson's to go with him to the Museum, which contains a splendid collection of Rubens', Vandykes, etc., etc. There are

three, among the former, that are quite remarkable even amo[illegible]g master-pieces,—the "Breaking of the Legs," the "Adoration o[illegible]f the Magi," and the original, in miniature, from which the gre[illegible]at artist painted the "Descent of the Cross", in the cathedral. Th[illegible]is last is the most delicious piece (of colouring, especially) I ev[illegible]er saw. If an angel had laid on the colours, or drawn the shape[illegible]s, they could not have been brighter or more exquisite. Two [illegible]of the Marys at the foot of the cross, with their golden locks an[illegible]d soft, silken drapery, are perfectly celestial. The picture, thoug[illegible]h in other respects an exact copy of the great painting in th[illegible]e cathedral, seems to me, if possible, superior to it. I have n[illegible]o idea that the art can go beyond this vision of beauty in delicac[illegible]y or vividness of tints. I gazed at it again, as I had done former[illegible]- ly, with devouring eyes, and regretted that I was ever to leave[illegible]e it. I remember I thought, when I first saw it, that, if any thing[illegible] could tempt me to commit theft, it would be this little gem. The breaking of the legs of the thieves crucified with the Sa[illegible]- viour is of frightful power. One of them, in his terror at the approaching blow, has torn one of his feet loose from the nail with which it had been fastened to the cross, and the contortions of his body in its agony, as well as the hyena grin upon his face, while the blood is trickling from his perforated instep, make you almost imagine the wretch howling in anguish and despair before your eyes. The Adoration of the Magi seems to me a less remarkable, tho' very fine painting. But Vandyke,—not the peerless portrait painter, though there are here several works of his in that kind that cannot be too highly praised—but the rival of Rubens in historical painting,—what shall I say of his two lovely "Christs upon the Cross", which adorn this Museum. One of them is in miniature. The other is all that it should be,—except the cursed little Cupid at the foot of the cross, so utterly out of place. But the Redeemer himself, as he sleeps in deep, majestic repose upon that instrument of ignominious punishment, henceforth the symbol of universal triumph and immortal hopes,—one feels that it is the crucifixion of a God! Then the *mater dolorosa*, pale, fainting, almost dead with grief, as she supports herself upon the fatal tree, and embraces *His* feet. Yet, how gentle a form of womanhood in its devotedness,—how graceful and beautiful in her world-forgetting wo. The outstretched arms of the only other person in the piece,—the noble air and attitude as of prophetic inspiration addressing its prayers, not unmixed with imprecations, to the omnipotent sufferer. Then the heavens veiled in darkness and the troubled sky. I felt, more than ever, that Vandyke is the Sophocles of painters, and bears the same relation to Rubens as that pure Attic artist to the gigantic, though rude, author of the Prometheus and the Agamemnon.

I say nothing of the numerous other paintings that adorn the walls of this interesting Museum,—except to remark, that a *Titian*,—a genuine Titian which it contains,—certainly shows to disadvantage, in point of colouring, by the side of the Rubens' I have mentioned.

Wednesday, 6th May. It being rainy, uncomfortable weather, I do not go out to-day, but amuse myself with writing these hasty notes to send to my mother and sister. Continue well. Dine with Mr. P.

Thursday, 7th May. After reading an hour in bed, (my German grammar,) I rise at a quarter before 8. Then my toilette, shaving, etc., consumes, as usual, another hour. At 9, I go out to take a walk. Enter the cathedral in passing,—no service in the *Chœur*, and only some *side-bar* devotions to some one of the Catholic saints. Return to my lodgings at 10, and breakfast. Amuse myself with reading Tombleson's *Rhine Ufer*,—a topographical and historical account of all that interests a traveller on the storied Rhine. As I propose going immediately hence to Cologne and Bonn, I find in this book at once an incentive and a preparation.

Friday, 8th May. Visit once more the church of St. James. Another "Christ upon the Cross" by Vandyke—in miniature. A beautiful picture: in very much the same style as the two already mentioned. Mr. Patterson pronounces it the best of all the works of his favorite artist; but, like Rubens', Vandyke's master-pieces are *all* best.

This church is wonderfully rich in fine marbles, curiously and richly carved wooden images, etc., statues, (one of the *Flagellation* particularly remarkable)—in short, I do not believe there is any thing at all, on this side the Alps, to be compared with it in this respect. The eye of the visiter is dazzled and perplexed by the variety and richness of the innumerable works of art, which give so much gorgeousness to the whole interior of the building. I did not see, this time, because I had often seen before, the famous picture over the tomb of Rubens, behind the high altar, in which he is represented in the midst of his three wives, with his child, etc.

Walk, in the evening, *two hours* on the wharf.

Saturday, 9th May. Do nothing, to-day, but walk about the ramparts and read newspapers. See that Mr. Livingston has embarked, on board the *Constitution*, for the United States. Dine, for the last time during this visit, at Mr. Patterson's.

Sunday, 10*th May*. Go out, at 8, to the cathedral. Look at the Descent and the Elevation. No service going on. Proceed to the wharves, where I walk about half an hour, and return to the cathedral. This time see the church full, and take my stand under the organ, and immediately as you enter the church by the principal door, so that I have a view of the picture of the "Assumption" over the high altar, at the distance of many hundred feet, the whole length of the *quire and nave*. The priest, going through some silent devotions, "shows scarce so gross as a beetle." His form is absolutely lost in the immensity around him.

Cologne, 21st May, 1835.

I arrived in this venerable old city, this evening, at a quarter past 7 o'clock, in a sort of hack, of which great use is made in these parts, (for I met I know not how many on the road,) and which I hired at Aix la Chapelle for four rix thalers (15f).

My return to Brussels from Antwerp, on Sunday evening, 10th inst., was extremely opportune. I found a dispatch from the government waiting my arrival and demanding my immediate attention. Besides this paper, which came to me through the Legation at London, there were, within the nine days I passed at Brussels, no less than *three* different packets arrived at Havre, by which, after a long interval, I received letters from America, and *lots* of newspapers. I stayed much longer at Brussels than was my intention on returning to it, for I purposed proceeding immediately to Aix la Chapelle and the Rhine. But I had public business to occupy me, and it was not until I had written and received several letters to and from Mr. Patterson, and sent two dispatches to the department, that I felt myself once more at liberty to go, for a few weeks, in quest of health. Hélas! I stood in need of continuing *mes courses*. I thought myself quite restored at Antwerp, but, in travelling to Brussels, as the weather was particularly bright and genial, I left the inside of my carriage and took my seat upon the coachman's place. It was all very well for some time; but, towards evening, I found the wind cold, and descended quite chilled from my exposed elevation. The next day I felt a slight sore throat, which continuing, I rather inconsiderately took a severe dose, or rather doses, of medicine. What with the remedy, and what with the disease, I was very much pulled down in a few days; relapsed into my old dejection and blue devils, and felt that, *à tout prix*, I must change the air.

By way of having nothing to think of, and getting over the ground as rapidly as I chose, I determined to leave my own carriage at home in Brussels, and to take my place for Liège in the *coupé* of a diligence. I left town, accordingly, on Tuesday,

19th May, at half-past 7 o'clock, in company with an officer of some sort or other, (judging, at least, from his pantaloons,) and an ancient lady, who kept profoundly silent until we arrived at Liège, when, on the brow of the steep hill that overlooks the town, she said to me, with a strong Anglo-Saxon accent, "c'est *un* montagne bien *perpendicular*." I had no idea, from her looks, that she was English. The officer was a Belgian or German, from his accent,—an intelligent man, about fifty-five or sixty, with whom I spoke about the *times* and revolutions. He seemed (like many other people of the better sort in this country) to regard France and Frenchmen with horror. Speaking of their first revolution, he said history told of no such atrocities,—and it was easily explained,—it was an *impious* revolution; the whole nation continues to this day *profondément corrompue*. Of the Belgian revolution he said the people, without leaders, made it; and then some adventurers set themselves up, for a moment, to be its apparent authors. There was only one thing the Belgians thought worse than a re-union to France,—a restoration of the Nassaus. Bonaparte always played his *va-tout*, and must, sooner or later, have lost all. Speaking of Poland, he said its revolution was *sui generis*, and Europe would have to suffer yet for that inexpiable partition! This agreeable man left me at St. Trond. I did not arrive at Liège until 8 o'clock, having been a period of twelve hours travelling these twenty leagues. Fatigued to death, my bones all aching, I crawled along after a *commissionaire* with my portmanteau, to the Hotel de Pavillon Anglais, and having swallowed two cups of tea as soon as I could make them, went to bed at half-past 9 o'clock. But hush! what voice, sweeter than that of a nightingale, is, in broken, interrupted notes, beguiling the solitude of some fair creature in the neighboring chamber. It is, I learn, that of Madame S———, my neighbor at Brussels; the loveliest woman, to my taste, I have seen this many a day, and whose delightful, ravishing countenance struck me and haunted me, like a vision of something unearthly, the first time I saw her. Ah! said old Madame de Baillet Latour, on hearing me express my raptures, you perceive she is in bad health and *fanée;* but en verité, étant demoiselle, elle était jolie à faire tourner la tête. With such a *lullaby*, and a body wearied and worn down, I fell asleep, and never woke until 6 o'clock next morning.

Breakfast, etc., being over, on the 20th, at half-past 9, I go down to the diligence office where I had taken my seat, and, to my inexpressible horror, encounter there the same old Anglo-Saxon dame whose silence had annoyed me so the day before. I was tempted to ask her, on the spot, if her intention were to extend her peregrinations beyond Aix; for, if such were the case, my plans should without hesitation be altered, so as to

avoid a third meeting of the sort. However, I imitated her silence,—mounted after her into the coupé,—and, after receiving our *complement*, a stout German, fresh from London, we were off at 10 for the city of Charlemagne. The weather was delightful, though, on getting out to walk up the high ascent opposite to Liège, I found the sun rather too warm, and was glad to raise my umbrella. The journey was not long,—a double delay for examination of passports on the frontier, especially on the Prussian side, included, we arrived at Aix la Chapelle before 5 o'clock. We all went to the Hotel de Ville immediately and got back our passports, which are examined here with extreme strictness. I then proceeded to the Hotel de l'Aigle Noire, and, after ordering dinner for 6 o'clock, went out to see about getting on the next day, and cast a glance *en passant* over the town, which I find wonderfully changed since auld lang syne (1819), especially in the neighborhood of the great fountain and the new theatre. Taste the water, and don't find it by any means so nauseous as I expected. Sir Charles Wales told me, last year, having heard it was good for the gout, he intended to drink it, but, after the first attempt, he had posed himself with the question, whether it were not better to bear the gout than to take such a diabolical medicine. I was prepared for a potion which could have increased the torments of Dives,—but really think that, considering its "sulphurous and damned" character, it is *very* far from disagreeable. The Hotel de l'Aigle Noire is kept by a French-woman, and on y est très bien et surtout à très bien compte. For a very good dinner, with a bottle of Seltzer water, bed and breakfast with mutton chops, they charged only 6f.50.

I rose early the next morning and visited the great fountain near the theatre, where I drank a glass of the medicinal liquid and then walked up to the cathedral, which I found very much as I remembered it of old. As I hate descriptions, and have never read Vitmoin's, I shall say nothing of the circular dome, beneath which lies, on the floor of the church, a simple slab, bearing the inscription—CAROLO MAGNO. After looking round me for a few moments, and especially listening to a mass sung by children who step in here (says my guide) on their way to school, I returned to the spring, and was about to descend by the first staircase I came to, on my left, not observing that people went down the other way and came up this. But if I was unobserving, I was not unobserved. A little blue-eyed urchin, about three feet high and nine or ten years old, begirt with a Lilliputian sabre and dressed in a Prussian uniform, was posted there to warn off the unwary visiter that should be about to violate a rule of police, in a country where, as one sees at the first glance, every thing is rule and the police is every thing. This

Tom Thumb flies upon me,—shrieking out in German, as he fastens his little claws in my frock-coat, "you can't go down this way,—go the other." I could not help smiling with complacency at this display of diminutive vehemence; and was immediately accosted by an agent of the police, of riper years, who apologised for the intemperate zeal of his little comrade, and showed me the way I ought to go. After drinking another glass of the running sulphur, I repaired to the Black Eagle and eat my breakfast.

At half-past 8, I got into the vehicle I had *not* hired the day before. The one I chose was a very nice calèche, drawn by two very respectable quadrupeds. This, on the contrary, was an ugly, shabby little machine, driven not by the man himself, but a servant or agent or partner of his, (contrary to his *express* promise,) and tied to the tails of two beasts, whose great experience in the journey between Aix la Chapelle and Cöln, was but too visibly impressed upon their whole exterior. Yet they did much more than they promised. The distance is nine German miles, (about forty-five English). I was at the Cour Royale at Cologne, at a quarter past 7, having stopped repeatedly *en route* to refresh the cattle, and once to refresh myself,—having dined at Bergham at 3–4 o'clock, where I had the honor to sit down with a party from Aix to Cöln, consisting of a tavern-keeper and his wife and companion of that *ilk*. The woman had very pretty round eyes, looking like many I had seen before, and addressed me sometimes in French, hardened by her strong German accent. One of the *compliments* she made me was to request, in case I re-passed by Aix, to bear in mind that they kept, *ma foi!* I forget what house there,—but a wonderfully pleasant one it was, by their accounts of it. Among other curiosities, they have to show there many crutches left behind, abandoned to the first comer's fate, by ungrateful cripples restored by the healing sulphur.

Bonn, May 23.

Arrived, at a quarter past 7, at the old Hotel de la Cour Impériale, I found it, like the Black Eagle, all topsy-turvy,—undergoing repairs, painting, etc., for the approaching "campaign on the Rhine," when England opens her golden sluices to enrich all Europe with the droppings of her *economy* in travelling—(for that is, now-a-days, the most general motive,) and, for *them*, it *is* economy to be any where out of the sphere of ruinous London vanity and ostentation. Two years ago, Lord Francis Levison Gower, now Lord F. Egerton, was—as Prince Auguste d'Arenberg, who was intimate with Lady Charlotte Greville, his mother-in-law, told me—travelling on the Continent like a king, because, having *only* £10,000 a year, he could not afford to live

in London! Notwithstanding the *prematurity* of my tour, I found the apartment, next to the one into which I was shown, occupied by an English family. Mine was a rather gaudily furnished room, with high ceilings, and better fitted for a salon than a bed-room. But vain pomp, etc., I hate ye, when my bones are broken and the exhausted body, absolute master, thro' its very weakness, of its etherial companion, clamors for repose. I called for tea, which was served in a silver pot, etc., and really was very good. I made it too strong though, and hence, in part, perhaps, the dismal sequel. At half-past 10, I went to bed: the first thing I look to in a bed is the pillow and bolster,—in short, the treatment which the head is to undergo during the sleep that one has a right to count on. It was all wrong: the only pillow with a case was too soft, and sank down to nothing under the heavy occiput. I called for another: it was a stout one, and with that (there were then *three* and a bolster) I was mounted up too high, and should either fall from it in my restlessness, or have my neck broken by the perpendicular posture. Another defect, for a sore body, was the impenetrable hardness of the upper mattrass. However, I expected my fatigue to carry me through them all without a moment's sleeplessness. It was not so. At half-past 12, I wake, heated, uneasy, with a feeling such as I suppose precedes apoplexy,—except that, having lived very low for the last four days, and taken so much exercise, it seemed impossible. But I had left Brussels before I was rid of my sore throat and the accompanying irritation of the blood, which had been greatly increased by the fatigues of the journey and an obstinate costiveness; and hence, my present uncomfortable situation had produced the effect I experienced. I immediately rose,—swallowed a dose of calcined magnesia (which I always carry about me) and took a piece of rhubarb root into my mouth. After lying awake and tossing about for nearly two hours, I fell asleep again and woke at half-past 5. The medicine having taken effect, I found myself better, and, at 9 o'clock, went out to secure my place in the diligence for Bonn, and to see once more the cathedral and the Jesuit's church.

I had a little hobbling fellow, about fifty-eight years old, for a guide to these objects. He spoke some French and I some German, and thus contrived to be not quite unintelligible to one another.

At the Diligence office, I was once more struck with the omnipresence and obtrusiveness of the police in these countries. As it is the first time, for sixteen years, that I have ever been in the territory of an absolute prince, such things make a great impression on me. The government has the exclusive *exploitation* of all travelling by *post:* whether in your own or a public carriage (scnell wagen). You are not allowed to take a place

in the latter, without presenting yourself in person, with your *passport en règle*. If all be right, they take your money and give you a paper, setting forth all the rules and regulations of this mode of travelling, as that each traveller is allowed to take with him *gratis* thirty pounds of baggage,—all *excédant* to go by another wagon or diligence, etc. On this paper you set down, with the utmost precision, your *effects*, which are to be sent to the *bureau* an *hour* before the coach is to leave: and you are to keep it by you, ready to be produced, as it may be required at any stage of your future progress, etc., etc. This *schnell* machine takes three hours to go from Cologne to Bonn, 15 miles.

The cathedral—magnificent beyond description, so far as it goes—was never finished; but they are now at work upon it, inside and outside, for that purpose. The Gothic carving and painted glass of the quire and adjacent parts are richer than any thing of the kind I remember. The glass especially, I think, excels the so much and so deservedly vaunted present of Charles V., in St. Gudule at Brussels. As I was only refreshing my recollection, I did not ask to be allowed to renew my acquaintance with the famous *three kings*, or Wise Men of the East, whose real bodies are *unquestionably* deposited in a shrine behind the high altar of this cathedral, and may be seen at any time for *eight livres tournois;* neither did I penetrate into the *sacristy*, replete with curious relics. They were celebrating mass, and I listened with profound pleasure to the deep-toned organ,—the Christian instrument. The pillars in the nave of the cathedral are said to be one hundred and eight in number, and are of a prodigious circumference,—much greater than those of the church at Antwerp. On the whole, however, I was less impressed with the richness and magnificence of this church, than with the vastness, the height and the naked simplicity of that of Antwerp, which I had so recently seen, as to have all the impression it made upon me still fresh on my mind. The latter appears to me, judging only by the eye, much longer and more spacious,—but then the cathedral at Cologne being in the act of undergoing repairs, or, rather, of being completed, was in some degree encumbered with the usual apparatus.

The Jesuit's church is a gaudy affair, like others belonging to the same order which I have seen elsewhere.

Bonn, 25th May.

I left Cologne at 2 o'clock, in the schnell-post, and arrived here at 5. Lodgings at the *Stern*, or Star: small room, but neatly furnished, and a good bed with clean new sheets. As I was to spend several days here, this latter was a matter of infinite importance. I ordered a simple dinner to be served: it was very bad.

The next morning (23d), I wrote a note to M. and Madame Arconati Viconti, announcing my arrival, and, at the same time, sent to M. Schlegel a letter of introduction I had received from M. Arrivabene, to serve in case the Arconatis were not here. I receive, by the return of my commissionaire, an invitation from the latter to dine with them *en famille* at 3, and am informed by M. Schlegel that he will receive me at any time before 1. At half-past 11, go out to make him a visit. On the way, I meet the Arconatis, who are just going, they say, to call on some country people of mine at the hotel where I lodge,—Mr. and Mrs. Sidney Brooks. After the usual compliments, pass on, and am admitted at M. Schlegel's. Shown into the apartments on the ground floor, I see, among other things, the *bust* of the master in marble,—a very flattering one, as I found afterwards, though M. Schlegel is rather handsome, in spite of a blink in one of his eyes. His old woman servant presently comes down again and asks me to walk up. After a moment's expectation, an elderly looking gentleman, but still active and fresh enough of his age, comes in, quite in dishabille, without cravat and in slippers. I soon saw the whole man, and led him on from topic to topic, in order to get as much out of him as possible. Speaking of Pozzo di Borgo, he said he met him once at Vienna in 1808, when he (S.) was travelling with Madame de Staël. The gaieties of that dissipated city were at their height. How is it possible, says Pozzo, that people should enjoy themselves so carelessly, while their country is trampled upon as it is. In their joyous *insouciance*, they asked Madame de Staël if she thought the peace would last till *after* the hunting and shooting season: and here a loud laugh—(quite a frequent accompaniment of M. S's. conversation). Then we talk of the University of Bonn,—of the perfect religious toleration that exists in Prussia, where young men of the Catholic and Protestant communions study together, etc.,—English politics, etc. I get up to take my leave until we should meet again at dinner at the Arconati's, but, as I am doing so, here, said he, is something you must see. There is a likeness of Mad. de Staël (under it hung a miniature image of Schlegel himself) taken after her death, but exceedingly resembling her. Corinne is not *so very* ugly in this picture, and has especially very pretty, tho' rather shrewish eyes.

On returning to my lodgings I see Mr. Brooks' card, and shortly after he asks if I can receive him. On my consenting to do so he comes in, and I recognise in him an old acquaintance,—a brother-in-law of Mr. Edward Everett. He hands me two letters,—one of them from my friend Bronson, the other from Mr. A. H. Everett. As I was about to make my toilette for dinner, our interview was a short one.

At M. Arconati's, find them and a sister of *her's* lately arrived from Milan,—a girl of about nineteen years, I suppose, but not pretty, though mild and gentle. She has long white eye-lashes. Another person present was a M. Bergé, who says he saw me at dinner at Sir Robt. Adair's when I first went to Brussels. After waiting some time for M. Schlegel, his carriage drives in and he soon makes his appearance, "neat, trimly dressed, fresh as a bridegroom." The *savant* seemed to be very completely sunk in the *petit maitre*. At dinner, the conversation was very various and agreeable. We talked of foreign countries, with which M. Schlegel is very familiarly acquainted,—of *races* of men, negro, *quarteron*, etc. The latter, he said, always retained the African features, *flat nose*, etc. I told him it was not so *chez nous*, where some of them have the Caucasian face in its perfection and are very handsome. A subject we talked a good deal about was the criminal code and trial by jury. He is evidently full of a reform in the former, which he regretted his friend, Sir James McIntosh, had not lived to accomplish. I ventured to say that I knew no problem more puzzling, and less likely to be soon satisfactorily solved, than what was the best way of disposing of a *felon*,—that is, a determined criminal,—and that the question would probably have to be answered differently according to circumstances. *Unanimity* in the jury, which he attacked, I stoutly defended; affirming that, without requiring that, there would be a very insufficient examination of cases by these occasional undisciplined judges, and I was not sure whether the institution would be worth fighting for without it. "Nay, but," said he, "even with a majority of only seven to five, *we* are very much attached to the system." A case was mentioned in which a man, having been convicted on very doubtful evidence, of a murder committed seven years before, the king of Prussia, of his absolute power, set aside the sentence, and had the cause re-judged in Silesia, where the accused was acquitted. H. M., in his zeal to do good, violated the forms. Speak also of M. De Tocqueville's recent book on the Democracy of the United States. Tell them I have not read it, and so get off without giving a general opinion on the subject. Add that, from some observations on it in the *Débats*, he seems to have seen things in a truer light than foreigners usually do,—e. g., he dates our republicanism, not as people on this side the Atlantic absurdly imagine, from the Revolution, but from the very foundation of the colonies, which I explain, adding at the same time, that nothing could be more widely different than such a revolution, and one (like that of '89, for instance) where every thing had to be pulled down and set up again; witness the South-American abortions.

After dinner, we retire to the salon to take coffee, which I

actually did! væ mihi! M. S's. *libellus* on the Hippolytus of Euripides and the Phœdra of Racine being mentioned, I say that I had read such a *diâtribe* over, and considered it as incontrovertibly just and an admirable specimen of comparative criticism. He reads some lines from Pradon, of which the purport was that Hippolytus, at Paris, must be *gallant* to please, and not *sauvage* and intractable to Venus, as he was; in short, that Hippolytus must cease to be Hippolytus. The conversation turns on other kindred topics,—Spanish theatre, license of satire, etc. Schlegel mentions no bad joke of Philip IV., (I think,) who used to recite verses with Calderon, who had a wonderful facility at improvisation. They were doing an *auto*, in which Philip was *God*, and the poet, Adam. The latter had the parole and kept it an unconscionably long time, until the creator, becoming impatient, interrupts him by saying, "Yes, I am your creator; and I repent me already of having made such a garrulous fellow,"—*un Adam tan hablador.*

Presently M. S's. carriage drives in, and I am told the arrangement of the evening is that the Arconatis shall go in their carriage and take the Brooks' out to drive. M. S., who proposes to me to join him in a similar promenade, gives Mad. Arconati *rendezvous* at the Botanical Garden. We take leave, and get up into a very nice *calèche* drawn by two fine horses, and driven by a coachman in livery, with a footman to suit. I ask M. Schlegel how it happens that, his account of the genius of Sophocles being supposed just, (as I for one certainly think it, for in reading it *after*, as well as before the original text, I have *felt* it to be so, even to the encomium he bestows on the Attic grace and sweetness of the Œdipus Coloneus,) so many ancient critics seem to prefer Euripides—the τραγικώτατος, as he is called—and that not only in reference to *tenderness*, but generally. He asks me whom I cite. I tell him Aristotle's Portius, and a passage or two in Plato's Dialogues, which, although I could not refer to more particularly, I had noted in my *study* book, because they struck me very forcibly. The mineralogical cabinet is in a fine *ci-devant maison de plaisance* of the ex-Archbishop Elector. We went through all its apartments. In one of them we meet with the Arconatis, and I make the acquaintance of my nice little country-woman, Mrs. Brooks, who looks very English (being very blond, with soft, silky hair, and rather inclined to be fatter than most American women) and speaks the vernacular without any nasal twang at all,—a rare thing for one of my dear country-women. She tells me she has heard so much of me from all her friends, especially Julia Livingston that was, that she can hardly consider me as a stranger. I am charmed to see her, and do my best to let her perceive that I am. Find her speaking French extremely well. She is of a Boston family,

and a niece of Bishop Dehon's. Our walk about the garden was very agreeable, and, as we were about to leave it, we mounted a flight of steps which lead up to one of the principal doors of the palace, from the landing-place of which there is a fine view of the Septmonts in the distance. Thence the conversation turns on the picturesque and the beautiful. M. Schlegel says it is absurd to compare scenes in different countries,—that every country has its own beauties,—the most sterile and ill-favored is not without them; witness Holland, which has produced such masters in landscape painting. I answer that, *à force de regarder beaucoup*, they had at last seen, or imagined they saw something. I see, said he, you are *an incrédule*. After a good deal of conversation, we return to the carriages. He asks me to go home with him and drink tea,—an invitation which I cheerfully accept. On our way, I ask after Hugo and Savigny. They do not seem to stand very well in his estimation. Repeats what somebody said, that the civil law was like scenery in twilight,—you may make what you please of it. Savigny, he adds, is of what they call the *historical* school. I tell him, as I interpret the expression, I am half inclined to be of that school myself; and ask him what meaning he attaches to the term. He explains it as being a sort of *legislative necessity*, by which every age, *nescio quo fato*, makes the laws that suit it. I then say, all I mean is that the *traditions of a country* must be respected in its constitutional innovations; otherwise one of two things ensues,—either your constitution is dead-born, as in Belgium now, or every thing is turned into chaos as by the *Constituent Assembly*, and refer again to our own history. On the subject of the *Constituante*, he thinks justice is not done it; that, with all its errors and the evils they did or did not lead to, the general result is good; that to get what we have, we must have demanded what they did, etc., etc. The privileged classes never would have yielded to any reform less unsparing.

Arrived at his house, I am shown up (this time) into his study, where the first thing I see is another *bust* of himself, backed by a half-length portrait. Amour propre, it seems, is no *iconoclast*, or rather the contrary. I ask after Niebuhr, whose singularly fine head we had seen at the country palace. Gives me clearly to perceive that he was no friends with the great historian, whose department (that, I mean, of Roman history) M. S. now actually fills, and some of whose opinions he disputes. *Apropos* of his scepticism, I tell him that was obvious enough; but what made him remarkable was not the disputing, but the *interpreting* the scanty and hardly intelligible remains of those early annals. He says Niebuhr was altogether impatient of contradiction, and has no doubt but that his end was hastened by the

revolutionary events of 1830, which preyed inconceivably upon his mind; although he was here, (he adds,) so to express it, *en volontaire*, and might have gone away when he pleased, not as I, nailed to the spot by my *house*, etc. The conversation turns afterwards on Oriental literature, to which (Sanscrit, especially) M. Schlegel is now particularly devoted. Presents me with a letter of his to Sir J. McIntosh on that subject, which he sends me the next day with a note.

I left him at half-past 9, and, on returning to the "Star", call on Mr. Brooks to arrange about the morrow, when we are engaged to visit the Drachenfels with the Arconatis. I had stipulated for permission to go first to *mass*, (it being *Sunday*,) which I never miss in travelling in any Catholic country where there is a cathedral. The Brooks' agree to go with me, and acoordingly we repair thither at 9 o'clock, but, after some delay and difficulty (owing to the great crowd) in getting in, find the ceremony begins with a *sermon*, and that in German. After waiting in vain for the fine music we expected, force our way out, and, at about 11, set out with the Arconatis to the object of our morning's visit. Our party filled two open carriages. We passed by the Godesberg, and reached the Rhine (which was very full and muddy, with a strong current, and which we crossed in one of their flat-bottomed sail boats) about five miles from the town. Donkeys were waiting on the opposite bank, ready caparisoned [here enter M. Arconati, and afterwards M. de Schlegel, to take leave of me, as I go to-morrow, May 28]: the *male* part of our company all prefer walking up the mountain, but Mad. Arconati and Mrs. Brooks mount two of these long-eared dwarfs. Mrs. B's. goes along very well, but Mad. Arconati's little beast can't be thumped or pulled into any sort of usefulness, so that she is fain to dismount and trudge along with the rest of us; *du reste*, the ascent is not very steep, and we are soon standing on the esplanade formed a little below the ruined castle, and adorned with a monument to the *heroes* who fell in 1814. The view on all sides is delicious; unfortunately for the picturesque, though well for our bodily comfort, there was no sunshine, though the weather was soft and genial. After enjoying this vast and beautiful prospect for a long time, we repair to the sort of eating house built here for the accommodation of visiters, and find a collation prepared for us by the kind attention of our friends, the A's. I had a tremendous appetite, as we all had, though it was only 2 o'clock; and, to make it better, (or, as it turned out, *worse*,) there was *champagne* foaming and dancing in its crystal bounds, and a bottle of the very finest Johannisberger, which Mr. Brooks had himself bought at McHernich's altar, and brought with him, as if to be offered up in libations on this magnificent altar to the genius of the Rhein gau. After our

repast, made agreeable by so many various attractions, not to mention a delightful conversation, we descend once more to the esplanade and feast our eyes upon the beauties of the scenery, now somewhat varied by certain accidents of light, struggling through the haze in the distance. After re-crossing the river, and getting into our calèche with Mesd. Arconati and Brooks, I find, to my great annoyance, that a sore-throat I had brought with me from Brussels, and thought almost cured, has been so much irritated by the mountain air and mounting exercise, not to mention as many as *four* glasses of unmixed wine, (merum,) a horrible debauch for me, that I am obliged to send for a doctor on returning to my hotel.

This physician, recommended by Madame Arconati, was M. Nassé, a man of fifty or sixty, a professor of the University. He recommended an *antiphlogistic* treatment; i. e., abstinence and a *tisane*,—told me I was very wrong to take calomel, as I was evidently inclined to *congestions* in the upper regions. He was, I found, a most agreeable person, and I derived so much pleasure from his conversation in the four visits he paid me in three days, that I most cheerfully paid him a fee of five rix thalers in taking leave of him. I had discussed with him all the various systems of medicine. He seemed to like none. When he heard I was an American, he said, "On dit beaucoup de mal de vous." In truth they do, and no better proof of it than that there is no spot so sequestered in Europe, but a clear-sighted and quick-eared American finds it out in a couple of days.

As he forbad my going out, this malady, which has detained me up to this present writing, (28th May, 9 o'clock, P. M.,) four days longer than I meant to stay, has also sadly curtailed the pleasures and advantages of my *séjour:* in the first place, I had to renounce a tea-party at M. Schlegel's, though he has repeatedly called on me since.

In the few hours, during which I have felt safe in going out, I have been to the well-furnished *librairie* of M. Weber, publisher of the Byzantine Histories of Niebuhr, (continued by Becker and the other philologists of the Berlin University,) where, besides taking a note of many precious works, I buy Schlegel's Dramatic Literature in German, and a translation into modern German of the Nibelungenlied.

Nordhausen, Thursday, 22d April, 1836.

I left Brussels on Monday evening, 18th April, at half-past 9 o'clock, and travelled incessantly until I arrived at Aix la Chapelle the next day, at about 4, where I dined. It was not until nearly 7 that I set off again towards Juliers, my resting-place for the night. Very good apartment and bed. 23d, at half-past

6, am off again for Dusseldorf, (6¾ German miles,)—thence to Elberfeldt, where I dine. This flourishing manufacturing place filled me with astonishment. I have seen nothing like it in Europe. It has all the freshness and life of an American town in one of the new States. It is built upon the banks of a stream, which sets its mills in motion, and it completely fills up the narrow but beautiful valley, for miles together, with factories and dwelling-houses,—all remarkable for neatness and cleanliness, and many for a degree of elegance and grandeur rarely to be met with in great capitals. It is rather a collection of manufacturing towns, than one city; and, all together, they contain some sixty thousand inhabitants. I do not remember ever to have had a more agreeable drive than this, from the time I crossed the Rhine on a *pont volant* at Dusseldorf, until I had passed Elberfeldt some three or four German miles,—making, in all, a distance of about thirty English miles,—but from the last mentioned station to the town (Nordhausen) in which I am writing this, that is to say, for one hundred and fifty English miles together, it has been all barrenness and desolation. The road—a most excellent one, macadamized—runs the whole way between very high hills approaching very near to each other, so that there is very little prospect. On such an elevation, the spring has as yet made hardly any progress, and so the trees are bare and the heath brown. The towns and villages, with a single exception, are the most miserable, dirty, ragged collection of huts that can be conceived; houses built of wood frames, filled up with clay, and most of them decaying and dilapidated. In short, every thing looks poverty-stricken and primitive. This is more strictly true of *Hesse*, which one traverses through its pretty capital, Cassel, which is really a charming little town, and where I was almost tempted, in spite of my haste to be at Berlin, to spend a day. As it was, I lounged away a pleasant evening in looking down from its fine squares and walks upon the beautiful garden on the hill-side, and the smiling green valley into which it runs out to a great distance. The public edifices, without being particularly fine, are still very respectable in size and appearance, and the upper part of the town is laid out with great regularity. There is a statue, in the square of the palace, of the Grand Duke Frederick II., with the date 1783. Was that the man who sold his troops to George III., to reduce us to subjection? and if yea, was it for that his country erected this statue? The peasants have rather a remarkable costume; the men (who seem generally fine,—at least, so far as I can judge from what I saw in a *residence* amongst them of at least twenty-four hours from first to last) wear boots or gaiters up to the knees; the women comb their hair all back from the forehead, and gather it in a knot on the top of the head, where it is

covered by a black patch, not unlike the *calotte* of a priest. I must not forget to mention a rather curious incident. In the morning before I set off, I strolled out to cast another glance over the town and suburbs. I remarked very many people walking with great speed down the town, to what I at first supposed was a market-place. I go round a square, and re-enter the same street, where I see still as many people all hastening the same way. It now strikes me that this can be no every day matter like a market, nor, indeed, any sort of *business* whatever. There is something extraordinary occurring; I rather think it is an *execution*. I thought, however, no more of the matter, until the head waiter, coming in to receive the amount of my bill, tells me they are cutting off the head of an assassin that had murdered three people, and that I shall pass very near the spot. I did so, but met the crowd (an immense one for so small a place) all returning, and saw the scaffold, but nothing on it but some two or three men in cocked hats,—who were probably the Jack-ketch and his suite. It seems they cut off heads here, and with a *sword*, in the old-fashioned way. I should have been glad to see the *apparatus*, but did not like to discover my curiosity to so many people.

Madgeburg, 23d April.

I arrived but a couple of hours ago in this famous old town, of which, as it was 9 o'clock when I got here, I have as yet seen nothing. Lodging, Stadt-London, kept by an Alsacian.

To go on with my journal where I left off. I was not determined, when I left Cassel, how far I should travel before I stopped again. Find the posting cheaper, but progress less, than in the Prussian dominions heretofore. After going some twenty miles, I arrive at the bank of a rapid stream, where a book is handed me to write my name. Infer (for I can't comprehend the German of the man that offers it) that I am already at the end of the Grand Duke's territory; and, on consulting my map, find that the stream above mentioned is the Weser and the border. Weather charming. At 8, the moon shines beautifully out, and the remainder of my drive to Nordhausen a true party of pleasure. Moonlight and motion always make me meditative and romantic. Think what an adventure it will be to pass through the Hartz at this witching time. But *then*, Stolberg, where the ridge of mountains begins, (it is about sixteen English miles across,) is more than two posts beyond Nordhausen; *and* the moon is only in the beginning of its second quarter, and so her smiles upon her benighted wooer not to be expected to continue even so long as a woman's empire usually lasts. A mountainous journey always a long one,—witness a similar

attempt, and the repentance it occasioned me, on the Saluda mountain in 1830. Besides, a morning drive, at this season, *must* be so fresh and delicious in these regions; and, if one muses less, one sees more by sunlight. I decide, for once, to sacrifice imagination to sense and the senses, and determine to "turn in" at Nordhausen. Tell the postillion I mean to stop at the Post,—which d'Arnin describes in the Itinerary he gave me by way of *euphémisme*, as an *auberge médiocre*. The sight of the town, by moonlight, enough to make night hideous. All the houses built after the fashion described above,—a frame of wood, filled up with clay or bricks, so as to leave every rib and rafter exposed to view,—giving to these deformed masses, especially at this hour, the appearance of stuffed skeletons. I verily do not believe the least change has been made in this, nor, indeed, any other particular, in this whole country, from Elberfeldt to Stolberg, since the thirty years war. I had no conception there was, in any part of Western Europe, such a miserably lodged peasantry. Many of their huts strongly recalled those of our slaves in the Southern States.—But this by-the-bye.

Arrived at mine host of the "Römische Kaiser", I ask for an apartment, and am shown up two pair of stairs to a close, unventilated room, wherein are two beds, both together narrower than the one I left at the Hotel de Bellevue. I hate being at too close quarters even with myself, and having found the inconvenience of being stinted in space the night before, the sight of these *couchettes d'enfer*,—*not en fer*, like Gen. Evain's,—makes me nervous. Yielding to the first impression, I rush out of the room and down the stair-case, protesting to mine host, who speaks a little French, that I can't think of lying down on such a couch, and ask if he has nothing better. Nothing; all beds that he has ever heard of made just in the same fashion. I get into my carriage,—bawl out in broken German to the postillion to put his horses to again and take me to the *Post*. "Here *is* the Post," says he. Very well, let me have horses and be off,—I am better here. They are about complying, when I get down and ask to be shown some other rooms. At length I make choice of one, in which the bed is just as narrow, and the ceilings much lower, but which has a window open, and is, of course, well aired. Here I establish myself for better for worse. The bed is made. Another shock for my nerves. There is only one sheet, on which one lies down,—the place of the upper one, as well as of blankets and counterpane, being supplied by a sort of sack, covered with a linen case like a bolster-case. This puzzles my servant exceedingly,—he is no conjuror, it is true. After writing the first part of these notes, I enter with as much resignation as was to be expected upon this new trial, and what

with extreme fatigue, and what with the idea of rising the earlier to begin my mountain excursion, if I slept little, I make out to pass the night well enough. Rise at 5.

The drive from Nordhausen to Stolberg, in this morning air, as delightful as possible. The sides of the mountains are covered with wood,—the road is for the most part in a valley, and, as you approach the latter place, along an impetuous, brawling stream. I should suppose this excursion, in the summer, as charming as possible to a man of woods and streams, as I am. There are some evergreens,—something like stunted cedar,—that give great freshness to the scene even now.

The chateau of the Count of Stolberg hangs in the air abruptly over the miserable village of that name. I get out of my carriage, walk through the village, and clamber up the sides of the mountain on which the chateau does *not* stand, but from which you command a fine view of this part of the Hartz.

Soon after getting into my carriage, and making the best of my way out of the filthy and ill-paved streets, (the latter to an incredible degree,)—(by-the-bye, here is the house in which the famous anabaptist peasant leader, Munster, was born,—who that sees what their condition is *now*, can wonder that they found it intolerable *then*?)—I begin to ascend, and for sixteen miles am crossing the *ridge:* at first on a magnificent macadamized road, but, after getting into *Anhalt*, on a wretched, unpaved cross-road, precisely such as I am accustomed to in some of the wildest parts of the Southern country, as narrow as the bed I slept in and as hard too,—though in bad weather, I suppose, from the terrible ruts that are shaking me to pieces, just the reverse, and, indeed, I do not know how it can be practicable at all. It is a a fac-simile of that which leads from the turnpike to Guesbeck, near Brussels. I tremble at the thought of what it must have been a fortnight since. The Hartz mountain, as far as the present turnpike goes, is completely wooded, and the Blue Ridge in North-Carolina all over again, bating, however, most of its beauties.

I arrive at a post station, where I am allowed to wait composedly for half an hour. I was saved from desperation by a rather singular occurrence. There was a posse of boys of various ages and sizes, from 17 and 18 downwards, singing psalms (I suppose) in the street. They would stop before one house and raise a stave, then another, and at last near my carriage. They sang all the parts of a chorus, and very well indeed. I love music (next to woman) of all things in this world, and sacred music especially,—then in *this* solitude,—this mountainous region of pure air and pure morals, etc., etc. Religion and music—the worship of God and the worship of nature. In spite of this agreeable *distraction*, however, do not forget I am

travelling, and so greatly annoyed by the non-appearance of the postillion and his gear. The Prussian, who brought me hither, having pocketed his *drink geld*, has coolly walked off, and I see no living soul at all interested in my fate; become impatient; make my servant rap at the door,—nobody comes; again,—again. A girl shows herself, and, divining my wants, throws a cloak about her (the morning air was shrewd) and runs to a considerable distance. At last appear, in the offing, the Anhalt postillion and his ragged concern. The whole thing dismally poverty-stricken. Such fare as one gets in an old country house of a decayed gentleman's family. Man very stout and stupid; beasts very spare, but not less dull than the man for all that. When we come to mount the first long hill side, I feel the greatest commiseration,—especially when the postillion lays hold of the smaller and more willing beast, as if to drag him along. *Descend, en revanche*, very well, and, at the foot of one of the mountains, see a black obelisk. What can an obelisk in these forgotten solitudes mean? Get down, and, approaching, find it is to the "Father of his Country"; of course, some Duke of Anhalt. Every country, like every man, has a father at least. This poor little nation in the wilderness, like any other, has its heroes. See, at length, after a drive of at least ten miles, at the top of a high mountain, a vast prospect open before me, and, descending, descry gradually all the varied beauties of a rich champaign country, covered with green crops just sprung up, and in the distance a towered city,—and, towering over it, an *Abbaye*. See at once it was the seat of an Abbaye Princière; and that, as in so many other cases, the land was consecrated to religion because it was fertile, or was fertile because it was consecrated to religion,—according to Catholic and heretical versions. Find myself still doomed to the rack of this infernal cross-road, on which I travel till I come within two German miles of Madgeburg, where I arrive as above.

Potsdam, 24th April.

I rose this morning at 6, and, at 7, was on my way, with a valet-de-place who spoke only German, to see the citadel and the cathedral. The former is famous for having been Trenk's prison, and afterwards La Fayette's, etc. By paying a trifle, I am let in by the keeper of it. Am much disappointed in the horrors of the place; indeed, except a rather short allowance of daylight, none but such as exist in every prison, *ipso facto*. It is a small guard-room, not under the earth, as I had imagined, but on the ground floor; nor yet damp and dripping, with water oozing through it from the bed of the stream above, (this was my strange conceit, heaven knows why,) but dry and comfortable enough. The walls are adorned with rude drawings, Trenk's

dismal pastime,—all in keeping: an *owl*, a death's-head and cross-bones, a coffin,—the date 1761, etc., scratched, or rather cut, upon the stone floor,—and what surprised me most was a head of the great Frederick himself, excellent well done; near by it that of Napoleon had been drawn, (by La Fayette *dit-on*, but that can't be true,) but the face has been defaced, and it is only by the air that one recognizes it. The view up the Elbe towards Dresden, from the walls of the citadel, under the soft morning sky of an April day, was charming.

The cathedral is now used as a Lutheran church. I went half an hour only before their morning service (it is Sunday) began, and so was very much hurried. Walked round its long cloisters before the beadle came. The portal is very fine, and as, of all the Iconoclasts, the Lutherans were the most tolerant, some saints are still standing in their niches about the steeples, of which there are two, (a rare thing comme l'on sait,) but not of the highest. The interior of the church is exceedingly pretty, though not on such a scale as Antwerp or Cologne. It owes as much to Lutheranism as the outside, and more. The choir stands as it was, with its fine altar-piece of a single block of Carrari marble, and its curiously carved *Stattes de chanoine;* images, pictures, etc. I did not know, until to-day, that wax-lights were used—that is, I had forgotten it—in the Protestant service. There were two burning upon the altar. Otho, the Great, plays a prominent part in this church. Here is his *tomb* and that of his Anglo-Saxon wife Editha. Then there they are, the happy couple, in an old stone chapel, which I suppose was taken out of some still more ancient church, (this dates from the beginning of the thirteenth century,) as it stands, and brought into this. Their majesties, cut in stone, cut but a sorry figure there,—Punch and Judy.

A really curious thing in this church is part of the armor of Tilly, who, in the thirty years war, destroyed and otherwise (if it is not a bull to add this) most villainously entreated Madgeburg,—all for its own good, as I have no doubt. It seems he left nothing standing but the cathedral: had he not swept them all away, Madgeburg would have resembled in its structures, to this day, the miserable towns with the stuffed skeletons, Quidlieburg included, through which I have just passed. Here are his helmet, his general's staff, (two of them, one with a lock and barrel,) his boots, (buskin, with heels three or four inches high,) and his gloves of steel. I put my hand into one of these ponderous gauntlets, and thought of Wallenstein's Lager.

Speaking of Schiller reminds me of Goëthe and Faust, and Faust of the Brockenberg. I ought to have recorded that, as I came rushing down the last of the mountains which break sheer off at the plain of Quidlieberg, looking to the left, I saw a peak

higher than the rest, all covered with snow. I have not seen such a sight since I looked on Ben Lomond in *April*, 1819!—horrid reminiscence. This peak was precisely the Brocken,—the seat of Faust's witches.

The journey from Madgeburg to Potsdam is sixteen mortal German miles. You pass through a perfectly flat country,—as flat as the low country of Carolina,—and resembling it, unfortunately, in more respects than one. It abounds in ponds,—called in Europe, I suppose, lakes,—so that it occurred to me that, instead of *march*, one should read *marsh* of Brandenburg. The highway is excellent for use, but detestable for ornament. Besides these barren flats, it traverses for miles a wood of young (that is, in appearance) pines; and all the way, except in this forest, especially from Brandenburg to Potsdam there, you are in an avenue *à perte de vue* of Lombardy poplars. The Elbe it is, I suppose, that swamps this whole district,—for one crosses continually streams of considerable width, that are rushing with great impetuosity. But that would prove the reverse of my position, and shew that the Elbe drained the country, by receiving these torrents in its wide expanse. It is a noble river, and would be so in America. At Madgeburg, which is forty-eight German miles by water from Hamburg, it is said to be thirty feet deep, and though divided into two branches, each is a mighty flood; but it is dry in summer,—dit-on, so is the *Congaree*, almost.

In the course of this long drive from Elberfeldt hither, I am struck with several things. 1st. Every man I meet bows with profound, even deferential respect to me,—that is, to the man in a post-chaise with a servant behind him. In France, the *piètons*, who are all philosophers, curse you. 2d. I had no idea one could see so much poor land, such miserable towns and villages, a population so vilely lodged yet so primitive and happy,—in short, such evidences of things being just as they were a couple of centuries ago, in spite of the schoolmasters and steam engines abroad,—in the very heart of Europe. No *Cockerel* has been here yet; and, àpropos of Cockerel, what a contrast between the Ardennes as it now stands,—I mean the road from Liège to Spa,—and the Ardennes of the Wild Boar, or the Hartz of to-day. Only let a steam-engine make the tour I have just finished, and you'll see. 3d. Every thing is regulated in Prussia. The government has its hand in every thing; and all goes on with a mechanical exactness (though a little slowly withal) that strikes one who has never lived under an absolute government. At every stage or *relai* you pay in advance for your horses and turnpike,—all but the postillion,—and a printed bill, receipted, is given you. Every time the postillion approaches a toll-gate, he winds his horn (a part of his uniform) and winds it twice,

and always in precisely the same manner,—the same monotonous note from one end of the kingdom to the other. When you give him his *drink-geld* he thanks you, and quietly pockets it without asking for more. At Madgeburg, I saw *affiché* behind the door of my apartment a tariff for my host, (a Frenchman from Alsace,) restraining him to so much for each dish of tea, each slice of bread and butter, but which did not prevent his contriving to make me pay seven francs for a bed and two things he called bougies, which had already served, and will no doubt serve again (their own master, j'entend)—the useful little things. This *maximum* arrangement, however, I rather think, was merciful. In short, one feels that one lives, moves, and has one's being here, in the perpetual nurture and admonition of the government.

To an American, accustomed to precisely the reverse of all this,—that is, to every man's doing just as he pleases in all that he has to do, as if he had no account to give, not even to him that pays him, yet generally doing every thing perfectly well, and with such results, in the long run, as there is no record of in the history of human affairs,—this go-cart, leading-string system appears very strange; and it is for Prussia to shew (if it can be shown) that its effects, on the whole, are really *not* disadvantageous to society. Certainly Elberfeldt seems a *commencement de preuve* to that effect. Meanwhile, it must be owned, that if every thing is government, every thing is, for order and happiness merely, *well* governed. The honorable fact, that this is a highly enlightened and *moral* government, impresses itself upon the traveller as soon as he has had time to look around him and observe the most superficial phenomena.

April 25. I am not ready to go out this morning until half-past 7, and then I find the *valet-de-place*, who was to have conducted me to Sans Souci, *out*. After waiting some time, stroll forth. Am lodged at the Einsiedler, near the palace, where the king happens to be at this moment, and is to remain until Wednesday. Every thing military,—troop of lancers composed of men in the flower of youth, beardless and generally fair, particularly attract my attention. Fine new church,—stone,—surmounted with a cross. Lounge toward the water,—to the bridge,—then return through the parks of the palace, where the *valet-de-place* overtakes me. I am and have been, since I found I had lost a half hour and had my projects frustrated, very *bilious*. Tell him it is too late, and I should go to Berlin immediately after breakfast; inwardly resolved to do no such thing. Take my tea and coolly go forth with the said *laquais* to see the famous little château: it is distant about a mile from the town. Begin with the picture gallery, which contains about

two hundred pictures. More Vandykes than I ever saw altogether. A likeness of some Prince of Orange, in the shape of a little Cupid *skating:* a veritable little *Love*,—never was any thing more delightfully beautiful. Several portraits by the same great master; one *à cheval*,—another (admirable) of the sculptor Fiamingo. Many Rubens'; some in his daubing style—especially a *Susannah* (like Charlotte in the Werther of the Varietés at Paris) and the Elders,—never saw such an uncouth monster as the woman: but, *en revanche*, some very fine, though none to be compared with those at Antwerp. Among these I remark particularly an *Adoration of the Magi*, and a picture of Rubens himself, surrounded by all his wives and his friends: very pretty. The finest picture in the collection is a sleeping Venus by Titian. Homer says of something that it is "softer than sleep"—if you want to *feel* what that means, look at this picture. It is very queer, but true, that this melting repose reminded me of Taglioni's dancing. From this picture gallery, (which, I forgot to say, is about two hundred and thirty feet long and very fine, with gilt cornices, etc.,) I went to the little château of Sans Souci. The building, it seems, was divided between the royal host, who lived in the right wing, and his literary friends, who occupied the left. A desk is pointed out at which Voltaire used to write. In the king's apartment there is no bed. It seems he died in an arm chair. My valet swore to me the clock points now to the very hour at which he died; for it went down as the breath left his body. Always some marvel for the vulgar. His library was an object of particular curiosity to me. It contains, so far as I could discover after a pretty close examination, nothing but French books,—that is, books *in* French,—for all the classics, Polybius, Suetonius, Virgil, etc., were translated, as were Macchiavelli (two copies), Don Quixotte, etc. Most of them are historical works,—treatises of the art of war, diplomatic correspondence. A book in quarto was lying open upon the table; the running title (as the printers call it) was "*Epitres Familière.*" It was very dirty at the page I saw, and had the appearance of having been much thumbed. It is said to be just as it was left. There is a MS. correction of a verse by Voltaire, in a fine, legible hand. The king had written (and printed) "Chiche de mots mais"—Voltaire substituted "de mots avare". This was what he called "*blanchir le linge*" of the great Frederick. The view from the front of the chateau is very beautiful. I had not time to go to the "new palace", and I am tired of palaces, and was fatigued with my walk, and so returned to the *Einsiedler*, where, in half an hour, I get into my post-chaise and am off for Berlin.

On my way (before I got out of the town) I passed an open carriage, in which I thought I recognised Lord Wm. Russell,

whom I had seen once at Court at Brussels, with a lady by his side. Soon after I meet the Crown Prince; and, after a few minutes' interval, Prince Frederick, followed by the Princess in an open carriage and four.

The road continues wholly uninteresting and the country barren. I arrived here (*Berlin*) at about 3 o'clock, and took lodgings at the *Ville de Rome*. Immediately after, go to the table d'hôte and dine. After dinner, walk out to take a general view of the town. See the greater part of the objects mentioned by Reichard, in the course of a two hours' promenade. No opera to-night; so fain to come in and amuse myself with writing this log-book. My *virtù* having been awakened by the gallery of Sans Souci, I take out of my port-folio my sweet little friend Emma S's. *souvenir*, a copy of the *Cena* of Leonardi da Vinci, and gloat for some time upon its beauties.

The street in which I lodge is the great thoroughfare of the city in its most fashionable quarter, and is bisected by a public walk bordered with trees, whence, probably, its name, *unter den Linden*.

I have read in my carriage the second volume of Balzac's *livre Mystique*, which, although it shews the author to be undoubtedly a man of talent, does not please. It is a wild story, intended to illustrate Swedenborg's nonsense. Also Madame d'Abrantès' *Mémoires sur la Revolution*,—a childish, confused, though cleverish and interesting piece of tittle-tattle. The style is colloquial and sometimes not quite *de bonne compagnie*. She repeats the same stories over and over again,—rambles from her subject perpetually,—and, at the end of the second volume, is only at the beginning of her task. *Avis au lecteur*, Madame d'Angoulême is (and deservedly) her heroine; Bonaparte, her hero,—*peut-être*. The book, though purporting to blame the anti-liberal conduct of the Restoration, and that unsparingly, seems to be written with an eye to a possible re-restoration, and if it is to be relied on, it is hard to imagine a dirtier gang of ribalds in high places than those who surrounded the Emperor of the French. She treats Talleyrand with unmeasured and most merited contempt,—in *words*, at least,—Fouché also; but it is hard to say whom she excepts from the charge of treachery, unless it be the Duke de Bassano. If she is to be relied on, Bonaparte had completely lost his head when he returned from Elba; and still more completely all the prestige of his fortune and name. To think of his dawdling in Paris to put on embroidered shoes or slippers and a coronation robe at the Champ de Mai, instead of rushing forward to the frontiers! Would Cæsar have done so? He wanted to be sure that he was still a monarch,—the bourgeois gentilhomme and his robe-de-chambre.

Ney's conduct, according to her account, was madness or total want of moral sense. She is in love with Metternich. I should judge her to be *spirituelle*, but very foolish. There is a pathetic story of a woman taken in adultery and shut up for mad, really well told.—Another book I never read before, and of which I have read a great deal, is Johnson's "Lives of the Poets." Dr. Johnson is a horribly bad writer. His artificial periods and his pomposity of phrase to express the baldest common-place, are insupportable to me. Yet his criticism, in every thing that does not soar above a certain height, is usually very sensible. For the sublime or the pathetic, he had neither soul nor ear to comprehend them. Nothing can be more unworthy of the mighty theme, than his way of treating Milton, except his superficial notes on Shakspeare. From his praise of Pope's Homer as a *translation*,—his significant insinuation that the best scholars have more pleasure in reading the "blind old man", so perverted, (the translation is a good *English* poem, *but* —) than in his own matchless verse,—and his absurd remarks on "Samson Agonistes" and Greek tragedy,—I shrewdly suspect the Doctor was no Greek scholar at all; nay, I am sure of it. Latin, I dare say, he knew to a certain extent,—prosody especially,—but for deep learning, he had none. His talent is colloquial,—ingenious argument, quick turns of thought, ready, pointed, witty repartee, clothed frequently in metaphor which looks like reasoning, and does often bear a great abundance of maxims and of moralities, uttered with oracular solemnity, even when rather trivial,—and withal a taste for elegance, though false, and a lively but not a sublime fancy,—these qualities, aided by very considerable and various literature, and by an invincible confidence in himself and a most dogmatical superciliousness in regard to other people, account for his prodigious celebrity in that day of *talkers* and *clubs*, and will secure to him a certain (greatly curtailed, no doubt) reputation with posterity. But he is in his true element when he speaks of Dryden,—Milton was above his pitch. He had not as much heart as head, and not as much soul as heart, and is *never* either very original or very profound.

Tuesday, April 26. I passed the whole day, until the dining hour here, (3 o'clock,) in the Museum, which was erected so lately as 1826. The ground floor is appropriated to the statuary. The picture-gallery, if I may use the expression, is arranged on a new principle. [Teick made the catalogue of the statues; I don't know whether he was consulted as to the disposition of the pictures.] They are divided into a great number of different compartments, intended to illustrate the different schools and

the progress of the art,—Venetian, Flemish, etc. In this point of view the gallery is extremely interesting to an amateur, and the collection very precious, as it is very extensive.

Dine, by way of curiosity, again at a *table d'hôte*. Only "mine host" and two guests,—very respectable persons; one saluted the other (an aged person, with good manners) as *M. le Président*. Scanty and ordinary dinner,—served from another room by a dish at a time.

After dinner Sir G. Hamilton sends me word he will call at 6. Accordingly does so. Gives me a horrid account of old Sir Robert A's. conduct as British ambassador; servile court to *Carlists*,—studious avoidance of all liberals,—kept out of the way of our old friend, Count Joseph de Baillet, Belgian envoy, who I know counted very much on Sir Robert's countenance in a strange place. Regrets Brussels, which he thinks, as I do, the pleasantest residence after Paris. Berlin dull; one reception a year, and only one, at Court,—after that, all over. Fortunately he (Sir G.) was in time for that.

Takes me to the King-street theatre, where he sets me down. They give the Barber of Seville, and a *Cantatrice* from Vienna plays Rosina. Detestable exhibition,—which sends me home in the course of an hour. N. B. The spectacle begins here at 6 and ends at 9. Dine at 2 and *sic de similibus*.

Took up Balzac's "Pere Goriot" this afternoon, and found it so interesting that I laid it down with regret, and hasten to resume it. Read till 11.

Wednesday, April 27. Before I am out of my bed-room, some one knocks at the door. I open it and see a little *laquais* in livery, who asks me if I be "Herr Legaré", and, on receiving the right answer, proceeds to invite me, in the name of M. Ancillon, (to whom I had a letter from my friend d'Arnin, Prussian minister at Brussels,) to dine with him to-day at 3. The *hour*, as well as the *form* of the invitation, (verbal and without *carte de visit*,) rather surprises me; but heard from Hamilton, yesterday, that the old minister (he is past 70) is rather an original, and so, after asking the boy if he is sure of the hour and the occasion, I accept.

On coming out, receive an invitation from Count Joseph de Baillet to dine on Sunday or Monday, as may best suit my convenience, he being engaged every day till then. My arrangements compel me to be off before Sunday, and so I have to decline. I express to M. de Baillet the very sincere regret with which this necessity inspires me, and the strongest wish to see him in person. Sends me word he will call at half-past 11.

Presently after Hamilton writes me a note, informing me that Lord William Russell, to whom I was to have made a visit to-

day, will be too much occupied with business, (his courier goes,) but requests I will dine with him *to-morrow en famille*, that he may have a better opportunity of making my acquaintance. I suspect a mistake of *to-morrow* for *to-day*.

This is a great religious *fête* of some sort or other, and I am curious to attend divine service in the cathedral of this city, but fear my arrangements will not permit it.

Before I go out, M. de Baillet comes in. Expresses his regret that I cannot dine with him. It is his intention, he says, to return to Brussels at all events in the month of June. Wanted to go to Vienna in May, but requested by his Court to remain here. Supposes it is on account of the Duke of Orleans' visit, which he thinks (as it *is*) quite an event. Says the King of Prussia has acted towards him (M. de B.) like a *parfait honnête homme*,—having told him at his reception that, of course, the Belgian revolution gave him great *pain*, but that it was now a *fait accompli*, in which he had bound himself to acquiesce, and would do so in good faith,—adding that he would go further and say that, if the whole controversy had not been already settled, the fault was not the Belgian government's but the King of Holland's. I told him I was to dine at M. Ancillon's: said he was glad to hear it, and had no doubt the old minister would wish to have my opinion on the state of affairs in Belgium; advertised me, therefore,—after remarking that the whole policy of this government was cautious and even timid, and directed to the preservation of the *status quo* at all events,—that they suspect the Belgian people of a propensity to France, which you *know*, says he, does not exist: should be glad if I would contribute to rectify this error. Tell him I shall not fail to do so if occasion serve, especially as it were only telling a truth. Says the king is determined to receive the French princes with all possible distinction, but that his sons—especially the prince royal—will do their part very much *à contrecœur*. Recommends to me by all means to visit Charlottensberg, and not to miss seeing the mausoleum of the queen, and the statue of her majesty by a sculptor who had been her *valet*, and whose talents for drawing, etc., being accidentally revealed to her, she had him sent to Rome to study his art, where he became one of the greatest masters in it. *There* he executed this monumental statue of his royal patroness after her death,—a first-rate likeness,—which, after many adventures, (it was captured by a Barbary corsair and redeemed,) at length arrived at its destination.

Hamilton, by a note, informs me the error I suspected in his invitation did in fact exist, and that both he and Lord William being engaged to-morrow, we must adjourn over our expected *symposium* for the present.

Go out to see the churches,—the cathedral first. Pretty church in modern (and Protestant) style: vaulted roof, pillars. Observed the altar adorned by three pictures, a crucifix and two wax-lights. Learn that the preservation of these ornaments was a part of the arrangement by which the government reconciled the differences of the Lutherans and the "reformed", and so that they exist in all the churches. Ascend the belfry (not very high) whence, under a perfectly clear sky, a fine view over the town. The great bell is 400 years old, and, when rung, is made to discourse its music by rather a clumsy contrivance: one man above swings it, while another by its side catches the clapper as it comes with his hands and forces it into contact with the brass above, then lets it fall upon the lower side.

This church contains the monuments of the Margrave of Brandenburg, who secularized his dominions at the Reformation, and of three of the kings of Prussia,—not the great Frederick's, who is buried at Potsdam. The royal pew is here in a gallery.

Went thence to the old church of St. Nicholas, just before the service began. I could see through a glazed window from the corridor what existed or was passing within the church. Very antique affair, built of brick. Service began at 2 with a hymn, sung principally by a choir in a gallery, with accompaniment of organ. After waiting a quarter of an hour, obliged to retire to dress for M. Ancillon's dinner at 3. First put on boots, according to our fashion at Brussels; but, fearing lest there might be ladies and a different rule here, and being an entire stranger, think it safer to go in shoes. Do so and repent; no womankind and every body in boots. Arrived, am trotted through several apartments *au premier* (including the dining-room) to the *salon* of "His Excellency." Surprised at first sight of a stout, hale looking man, whom I should have judged to be about fifty-eight or sixty, had I not been informed how much was to be added to that *chiffre*. Rises as I enter,—receives me very politely and with an apology for having taken the liberty to invite me so unceremoniously, but that the multiplicity of his engagements made it necessary he should seize the first opportunity, etc., etc. I tell him I am very fortunate in seeing him in a way that will enable me to see more of him, etc. There was a Baron somebody, secretary of legation at Copenhagen, who was just about to return to his post; a Professor Michelet of this University; a young French painter from Metz, (very clever and agreeable youth); a Mr. ———, the host and myself. I see Arnin has given him a very particular account of me: knows I am from the South,—that I have read Schiller, study history laboriously, and am an amateur of Greek literature. Talk of Belgium, in which I say almost all I have to say on that subject in a few words. M. A. remarks on the singularity

of the fact of Belgium's coming out of the twenty years of French contact and domination, quite uncontaminated in religion. I tell him it was what had struck me most forcibly at first,—that, with all foreigners, I had been led to regard the Belgians as an inferior sort of French, while, on the contrary, there was hardly any resemblance between them, even in Hainault and Brabant, and none at all in the Flemish country; and, of a French party, some noisy individuals about Mons, etc., constituted the whole. The King of Holland had lost his throne by not seeing this palpable truth: he was haunted by the *idea* of a *réunion* (as it is called) with France, and in trying to counteract that imaginary tendency, wounded and revolted all the national sensibilities of this people, so singularly wedded to their usages and traditions, that they have made two revolutions, not to change, but to preserve them.

At dinner—a little tea-table, scarcely large enough to allow elbow room to the six guests. Service and furniture very simple and ordinary, a maître-d'hotel and two other serving-men. Nothing on the table but a plate of oranges, two of sugar plums, of various sorts, and one other—about a centre piece—it was, I really forget what. Very frugal dinner served from a sideboard. I began with the *bouillie*, (which was the second dish, the first I did not recognize, and so, with my horror of all strangers, did not touch,) next, asparagus—next a suprême de volaille, or volaille of some other sort aux champignons, followed by *fish*. Then *hare*—with a cake, and a jelly—and there, I think, was the whole dinner. Good enough for me, however,—who in eating, as in other things, *video meliora proboque,—deteriora sequor*. Conversation of arts, music, literature. Find M. Ancillon *very* agreeable, clever, enlightened and *well-read*—with great douceur and kindness of manner, and an ardent *love* of talk,—for I know my *own* by instinct. Speaks of Roman metaphysics as studiously and systematically unintelligible: contrasts it with the French style,—repeating the "what is not clear, is not French,"—hence the language of diplomacy, *beaucoup parler sans rien dire*,—saying much without appearing to make a mystery of it, say I, etc., etc. Talk of history. I remark that to write, or even to appreciate history, perfectly, one must have lived in the world, and even been engaged in public affairs. M. Ancillon assents, but the literary men cry out against what so trenches upon the privileges of their caste. This leads to a long discussion of Herodotus, Sallust, Tacitus and Julius Cæsar, and the Lord knows what. M. Ancillon takes occasion to say to me, "M. d'Arnin tells me you cultivate Greek a good deal." I answer, rather confused, as I always am, I know not why, when allusion is made to my studies of *that kind*,—that I am a mere amateur, and amuse myself in that

way in my leisure moments. Whereupon, some one says he did not know people took an interest in Greek, in America. I tell him as much as any where else, except, perhaps, Germany. "But England," says another. I am left to think, say I, from all that I know of English scholarship, that it is rather superficial. "But see how they quote *Latin* in Parliament." Horace and Juvenal, I reply,—some of the Augustan authors and their school books,—and that, too, merely for rhetorical purposes,—"to draw a moral, or to point a tale",—nothing more. I have seen an excellent scholar, bred in England, to whom Tacitus was Greek. Then a discussion of Tacitus' Latinity. I assert that every one, accustomed only to the Latinity of the Juvenal æra, would be embarrassed at the first reading of that historian, and cite the "spatium exemplum" of the life of Agricola--a use of *example* that occurs elsewhere in his works, and no where in those of Cicero, or any writer of the Augustan æra. Another discussion thereupon. "None speak English with purity, in America." All things considered, with surprising purity, though some provincialisms, many *archaisms*, and an almost and universal tendency to a nasal twang,—which I attribute, in a good degree, to the puritan habits of our ancestors, and the *cant* of all sectarians—a thing, remarked not only in our English fathers at home, but among devout orders, cloisters, etc. Conversation turns on M. de Savigny, who, I regret to learn, is not in Berlin, it being a vacation. M. Ancillon says, excellent as his works are, his lectures are still better; delivered with a charming ease, grace and clearness, and giving you the idea of a man who is quite above the subject he treats of, and makes a pastime of it. I tell him it is just the impression made on me by his famous History of the Roman Law in the Middle Ages. Speak of his general doctrine, and that of the historical school, in opposition to *Abbé Sièyes'* constitution on mathematical or astronomical principles. Profess myself of that school *hautement*. Say the merit of Tocqueville's book consists in his being the only foreigner, except Heeren, who has seen that *republicanism* is the primordial law and condition of American society, and that our revolution was merely *external* and confined to the question of sovereignty, and, chiefly, executive power; in short, that *tout ce qui est république* has always been so,—brought with them by our founders,—and only what is *federal* is new. Much more said of this. Mention Elberfeldt, and tell him the impression it had made on me, that it resembled a flourishing American town. "I hear it looks like an English town." "More American," say I; "for, after all, in English towns there are always some unwashed holes and corners, the filthy retreats of wretchedness, or rotting relics of the past,—whereas, with us, all is hope and vigor." "One might know you

to be an American by this admiration of what is *new*," said one of my neighbors; "whereas many persons here admire a thing the more for an antique and ruinous air." "In its *place*," I reply, "a ruin is a fine thing,—on the Drachenfels, for instance,—mais il y en a tout partout en Europe; and it is as a rarity that I admire a creation like Elberfeldt, which has more *avenir* than *past* in it, and reminds you that, after all, the human race have not seen their *best* days,—as Cicero said of Catiline's gang,—*vixere*." The minister seizes the idea and heartily assents, parrying the ill-aimed blows of my not very quick-sighted adversary. Apropos of ruins, speak of the château of Heidelberg, to which I object that it is only of yesterday; and a ruin, like *nobility*, ought to be enveloped in the *nuit des temps*. An *artificial* ruin is as bad as what I have heard called, in America, "a *made* gentleman." Speak of the prejudice against African blood in the United States. At 5 take leave. M. Ancillon regrets my stay is so short, and apologises again for having invited me so unceremoniously. Mr. Wheaton spoken of with great respect and said by the secretary of legation to have been very much regretted there,—his wife, too,—is she a distinguished woman says M. A. "Oui.....c'est une *bonne* femme." That is too true thinks I.

It is worth recording that, on my mentioning what Lord Brougham had said in my presence, viz: that Talleyrand, Roederer and Cambacères, all agreed Sièyes was the *veritable homme du siècle*,—M. A. cried out against it; and, speaking of his famous pamphlet, *Qu'est ce que le Tiers?* he and the professor assert that somebody (I forget whom) suggested to him the manner of putting the question. What has the Tiers been? nothing What is it like? what ought it and is it to be? *every thing* Which is the sum and substance of the whole work.

This dinner and conversation make me very much regret the necessity of leaving Berlin so soon. I leave M. Ancillon with a profound respect for his abilities, and a great prepossession in favor of his person and society, although he is, perhaps, somewhat ambitious in conversation. After dinner to Charlottensberg, about a league from the fine Brandenburg gate. You pass through a wood like the Bois de Boulogne, before you arrive at the palace and its garden, and which is traversed by the Spree. There is a château (not very magnificent)—a hot-house of great length, filled with exotics. Then there are groves now resounding with the voices of nightingales on every bough; and the sweet stream flowing quietly through these tranquil recesses and the mausoleum of the queen——but, to my eternal mortification, I find that I am debarred from all access to the interior for want of some precautionary arrangement which I wist not of, and so have not made. The loss is irreparable,—yet the

depth of the enjoyment which I find in my hour's ramble in these shades, under such a delicious evening sky, reconciles me to the disappointment, and I return to my hotel at 8 in peace. *C'est tout dire.* There are many people, it being a *fête* day, and remark that one sees, in all places of public resort, individuals obviously of the lowest order,—that is, of the shabbiest appearance. At the picture-gallery, the other day, I saw a fellow so dirty and ragged, that I am sure a French sentinel would have driven him away with scorn from the gates of the Tuilleries, the very day after the revolution of 1830.

Leipsic, 29th April, 8 o'clock, P. M.

I arrived here just now, and, after applying unsuccessfully for lodgings at two hotels, (the town is swarming for the fair,) I establish myself for the night at a rather shabby, dirty-looking place, called the Stadt-Wien.

I passed yesterday at Berlin, which I left after 10 in the evening, in a very unedifying manner. Indeed I did nothing that I can remember but lounge for an hour in the picture gallery, and pay and receive some visits. I called on Hamilton at his lodgings, which are very comfortably and prettily fitted up; he is *dans ses meubles*, and was not a little proud of having the opportunity of showing them to one who will report on them at Brussels.

After dinner, Lord Wm. Russell calls: find him quiet, unaffected and gentleman-like,—very English, and so a little stiff and angular. Tells me M. Ancillon has the name of being rather insincere in his relations with the *corps diplomatique*, though he is sure the imputation is not just,—the frequent vacillations and retractations, that have occasioned it, being caused by the absence of firmness, or consistency, or something else in the Prussian government, whatever that is and wherever it may reside,—a thing, it seems, not easy to decide. The king is getting old and loves repose, and so is not unwilling to be freed as much as possible from the troubles of business,—though with his great memory he is very firm and positive. After about a half hour's conversation, his lordship retires with regrets, etc.

Count de Baillet succeeds him, and stays with me until I am getting ready to set out.

The night is perfectly bright with moonlight and fair weather, but it is excessively cold,—my servant says *freezing*.

At half-past 8, I arrive at Wittenberg, and alight at the London tavern, near the church in which are the graves and pictures of Luther and Melancthon. After shaving and drinking tea, I go out upon the (to me) most interesting excursion of the sort I ever made, accompanied by, beyond all comparison, the most singular cicerone that ever conducted me. He was an excessively small

man,—much shorter than myself,—with a wo-begone countenance, such, I thought, as beseemeth a sexton, carried, in advance of the rest of the body, at an angle of 45 from the back, while, by some means, natural or artificial, but quite incomprehensible to me, he took the longest and made the most rapid strides imaginable. He spoke to me at first in German, but, finding that he seemed to be quite *au fait* in reading the Latin inscriptions on the tombs of the reformers, I asked him in that language if he spoke it. He answered me immediately in the affirmative, and went off full gallop in a style worthy of Melancthon himself, and which quite surprised me,—to such a degree, indeed, that I took the liberty of asking him who he was, τις ποθεν ει, etc. He told me he was a *man of letters*, it being found necessary that the *ædituus* of those interesting edifices should be so. He was charmed to find how perfectly intelligible my pronunciation was to him,—which he said was very often not the case. To increase his surprise, I told him I was an American, legationem apud Belgarum regem nunc obiens; but his fluency was much greater than mine, from frequent practice, and, what is still more remarkable, he spoke generally with the greatest purity, and with a certain swelling, rhetorical pomp of style, like the prefaces and dedications of the sixteenth and seventeenth centuries. When I complimented him, he declined the honor with such phrases of studied humility, and such acknowledgments of the *singularis tua humanitas vir amplissime, et doctissime*, etc. However, like other *Germans*, he slights quantity: e. g., *occurret*,—with the *second* short.—But, for Luther himself, (of whom my learned beadle is a prodigious enthusiast,) you see his likeness at all ages here, up to the very article of death. The ardent apostle! the invincible champion! the audacious iconoclast! the sage and serious reformer of morals and opinion!—you see it all in his robust form, his capacious head, his square, broad visage, with firm-set under-jaw,—in that deep, grave countenance, and fixed look, etc. The inscription on his tomb-stone in the church, (a little oblong slab in the pavement, covered with a sort of trap-door,) merely records the day of his birth and that of his death: Melancthon's the same. After my curiosity had been satisfied here, we proceeded to the monastic building in which the famous Doctor lived and lectured. There is a table at which he sat,—an old, worm-eaten wooden slab, bearing its experience upon its face; then the professor's pulpit, from which he delivered his productions. Likenesses of the two princes of Saxony, Frederick and John, accompany those of Luther and Melancthon, both here and at the church. They are remarkable for the same expression of deep, solemn earnestness, befitting men that had a conviction, and a conviction to fight for. I told my little mystagogue that, standing in that room, I felt that I

was in *templo quodammodo orbis terrarum libertatis*,—at the which he was not a little pleased. In the first room are the letters *Petr.* in chalk, (I think,)—an autograph of Peter the Great, another mighty founder. To preserve it, it has been covered with glass. Here is a book in which pilgrims inscribe their names. I added to it mine. The first name, in the first volume, is that of the present King of Prussia, written with his own hand. That reminds me that Wittenberg is no longer Saxon, and that the ashes of Luther lie in what may be called foreign ground. To be sure, the King of Saxony is a Catholic, and perhaps it is fit that the chief of Protestant Germany should have the guardianship of its most precious and sacred shines. Potsdam, Frederick, Voltaire,——Wittenberg, the unfortunate Elector, Luther.—What a contrast.

Dresden, 1st May.

It was my intention to have stayed somewhat longer at Leipsic, and I had accordingly obtained from my friend Ticknor, (now at Dresden,) and presented a letter to the famous Herman, and another to a great Saxon jurist,—I forget whom. But, after walking about the town, filled with booths and wares and their venders, and its charming faubourgs adorned with sweet groves and pleasure gardens, and showing, too, hundreds of carriages and other vehicles, covered with temporary sheds, my impatience to be at Dresden, where I expect letters, and my desire to make the most of my short time overcome me, and I order post-horses and set off at 12 o'clock, hoping to perform the day's journey (only fifty-two English miles) in ten hours. To my most vexatious disappointment, however, I do not arrive until half-past 1 in the morning,—having spent rather more than an *hour*, on an average, upon each German mile. The night, however, was bright with a moon near the full, though exceedingly cold for the season; and, as my anger, "which I nursed to keep it warm"; prevented my sleeping, I enjoyed, or rather saw that I might enjoy, if I pleased, the pretty drive along the valley of the Elbe, reflecting now the beams and bright face of the moon, and now the broad shadows of cliffs and trees. It was past 2 when I got under the cursed sack which was to serve for both sheet and blanket, and half-past 8 in the morning before I woke in my new habitation, Hotel de Saxe. My servant had been ordered, over-night, to go to the post-office before he came in to me in the morning, and accordingly announces that there are two big *packets* for me there. A commissioner is dispatched and brings me in a letter from Petigru, enclosed in one from Vail, and an answer from M. de Muelnaere to a letter I wrote him, on leaving Brussels, to order my boxes to be passed without examination at Antwerp. Find that Ticknor lodges very near me, at the Stadt

Rome. Send to him to let him know I am come. He sends me word he will call as soon as I can receive him, and accordingly comes in as I am about to sit down to my toast and tea, at half-past 9. Proposes to me to go to Court with him at 12. All the world to be there: the royal family being about to go elsewhere for the *belle saison*, and holding a drawing-room *d'adieu*. I decline, though inclined to go. Too much fatigued to put on a Court dress, which I took the precaution to bring notwithstanding. Walk out at 11 to the Catholic church, where high mass is celebrating. The royal family there. Church condemned for bad taste by connoisseurs; showy and fresh; built by Augustus III. Thence walk on the bank of the river: charming promenade and prospect,—a decided advantage over Brussels, this said stream,—by which one may descend to Hambro'. But note the river is seen to its greatest advantage now, being rather full: in a few weeks, the dry weather reduces it to a paltry stream, winding amid pebbles. There is the advantage of the Rhine, and what makes it incontestably the king of German floods. There is a noble stone bridge here.

Prague, 7th May.

During my stay at Dresden, which was rendered most agreeable and profitable to me by my friend Ticknor and his amiable wife, (for without them it was impossible I should have turned my time to so much account,) I had not a moment's leisure, or at least inclination, to add any thing to these notes. Of the five days I passed there, I dined four times with the T's., and once with the British minister, Mr. Forbes, son of Lord Granard, and (nephew?) cousin of my friends the Hastings'. Apropos of dinners, they are all simple in Germany,—consisting of a few dishes, brought on in succession. At Mr. Forbes' we were *en partie carrée*. He is a very agreeable man, the Ticknors say towards fifty,—I should have guessed about thirty-five,—true Irish, with a brogue subdued, making his English *mouthy*, *sans façon*, gay, and intelligent withal. Shows us Palmerston's protest against the doings at Cracow. Well put, but too good an argument for a man that means action.

The first day being Sunday, I could only *lounge* in a Protestant country. Having dined, we went out in Ticknor's carriage to a sweet garden and wood in the neighborhood, where there was music. Then home and took tea. Afterwards to Mr. Forbes', and thence to Count Strogonoff's, a Russian of distinction, married to a Portuguese of the family of Almeida, now established here. They receive every Sunday. I met there with M. de Gourieff, some time ambassador at Brussels, who made many inquiries about it. He is a regular Russian of the heavy, sensual Slave or Calmuck stamp. M. de Strogonoff looks

more like a Christian. I sat down by Madame's tea table, and talked with her the whole evening. She asked who was Portuguese minister at Brussels: told her. What sort of man? Here I was tempted to *fairè l'amiable* at the expense of my colleague Da Camera, of whom I was going to make a caricature. But my better feelings triumphed, and it was well they did, for I had scarcely made some short answer, when Madame S. added, "he is my cousin."

On Monday I went, at half-past 9, with Ticknor, to the famous Gallery, through the various divisions of which we wandered leisurely, and at length sat, for a moment, in the Italian room: that is, the room of the Raffaelle (Madonna di Santo Sisto), five Correggios, three Carlo Dolce's, etc., etc. We met in the gallery an Englishman, who appeared to be a perfect connoisseur and was an enthusiastic admirer; and an American, whose nativity I suspected not by his accent, *but* by his pronouncing the gallery (before he had penetrated far beyond its threshold, too) very much below *its reputation*. To do him justice, however, I must add that, when we met with him afterwards in the Italian room, he seemed to think there *was* something to be seen.

I visited the gallery every day that I was in Dresden. It is remarkable for the variety as well as the value of its treasures. All the masters of all the schools are represented there, among its two thousand and odd pictures. All tastes, therefore, are gratified, and an *amateur* sees the manner of each celebrated artist exemplified by a master-piece. Not only, however, the great masters are there,—names of universal renown,—but, amidst the blaze of the constellations are smaller, though bright and beautiful lights, which one passes over without observing, at first, but which one that knows the gallery well points out to a stranger, and which afford amusement for many a day of curious study. It is, especially, in these well-chosen little pictures, scattered with the greatest profusion over its walls, and in its exemption from the trash that makes the filling up of other collections, that its peculiar character consists. Add the Historical Gallery, the Grüne Gewölbe, the Historical (Antiquity) Collection.

Munich, 11th May.

Is it possible? Four days gone by since I wrote any thing in this journal,—and 50 German miles (210 English) passed over! The consequence of this rapid change of place is that my diary is turned into history—which is quite a different thing.

At Dresden, I made the acquaintance of Retsch, who has illustrated Faust, etc., and saw his *Album*. The drawings very fine. The man himself struck me more than his works. He is *sur l'age*, as the French say,—but has remarkable eyes, light

grey-blue, which he looks out of like a cat. Ticknor proposed I should hear Tieck read a play of Shakspeare. He is, you know, the renowned *collaborateur* of Schlegel in his translation, and is famous as a reader; but once he begins he must go thro'. This rather alarmed me, yet I consented, but unfortunately he was ill.

It was with great regret that I left this fine, intellectual, famous city, on the evening of the 5th, (at 7,) on my way to Prague, which I did not reach until the next day at 7 P. M.! having been all the while, except an hour passed at Töpliz in shaving and breakfasting, travelling the twenty and a half German miles between Dresden and that place.

I arrived at the frontier between 12 and 1. I was ordered out of my carriage to see the commissary of police, or whoever he was, who was sitting before a desk in a small room, with his night-cap on and in a dressing-gown, evidently predisposed to be very churlish and insolent. I looked as civil as I could, and proffered my passport, asking him in German if he spoke French. He answered: on which I remarked, "das is Schlimm,"—meaning, "for me." "Not at all," said he, "this is Germany." The tone with which this was said discouraged all disposition to sociability, and, after waiting (*standing*, for he did not ask me to be seated) for some time, he gave me back my passport and lighted me out of the room; then, having given some order to his *suppôt* about proceeding to examine my baggage, adding vehemently "it is midnight", slapped the door upon us and retired. The postillion motioned to me to propitiate my examiner, into whose hand I slipped a rix-dollar, at the same time quietly slipping myself into my carriage. I made hardly any progress during the night, losing regularly half an hour at least at each station. It was soon after day-break that I found myself on the summit of the mountain, (Erz-Gebirge,) from which you look down upon the fatal field of *Culm*—Bonaparte's *Ulm*—in 1813. There are three pillars erected in commemoration of that decisive victory,—an Austrian, a Prussian and a Russian,—at some considerable distance from one another. The prospect from my mountain *stand-punkt*, under the gray light of the morning, was magnificent.

After driving some posts farther, I arrived at Töpliz, and alighted, for the purposes already mentioned, at the "Stadt London," where it is worth noticing that my breakfast, consisting of bread and butter and eggs with tea, cost me two florins Austrian; i. e., about five francs French,—the iniquitous publican having added to what others, or rather more than others of his class charge for this simple meal, a *florin* for the use of the small room in which I stopped an hour to eat it.

The country about Töpliz, and for some leagues further, I

found charming; and I have a fancy to pass some weeks in this valley, enclosed, or rather *encadrée* in mountains, seen at some distance. The beauties of the spring were not wanting, but a little more foliage would have been still better.

The rest of my drive to Prague, through a hilly tract of country, very sterile and covered with moors,—reminding me continually of some parts of Northumberland, and of its wandering gipsies, (Bohemians,)—was excessively slow, and still more fatiguing. Still I did not regret it, for there is something peculiar in this wild looking region; and I was still more reconciled to my journey and jolting, when I arrived at Prague, which is a most remarkable city. To say nothing of the space it occupies in history, that which it covers in nature is quite extraordinary. I entered it by a gate from which you have a view over the whole city, which, beginning there, runs down the side of a mountain so steep that the wheels have to be locked, into the *Moldau*, a rapid and wide river, which is rushing to lose itself in the name (for it is the *thing*) of the Elbe. The part of the city on this mountainous side of the river, is not apparently more extensive or populous than the other, but struck me as more busy and important. The streets, or rather *street*, from the said gate to the bridge, (a very long one, of stone, and very massive, adorned with statues of saints, etc.,) was animated with a throng not unworthy of London. (The population of the city is said to be 110,000.) On the same side of the water is the royal palace, in a wing of which Charles X. and his family now reside. The archbishop's residence is near the palace, and so is the cathedral, which, indeed, makes a part of it. These edifices are built upon the highest part of the city, and hang sheer over it, as the castles of feudal lords usually did.

The morning after my arrival, I appointed to sally forth at 7 with a *valet-de-place*, but when I went down stairs he was not visible, and so, determined to disappoint him for vexing me, I set out by myself. After walking in a great market-place, then filled with country people, and its neighborhood, I took a fiacre and ordered it to drive to the church of St. Nicholas and the cathedral. The former was on the same side of the river with my hotel, ("The 3 Linden")—the latter, as I said, makes part of the royal palace in the upper town. These churches are well enough, but do not strike one accustomed to those of Antwerp and Cologne. There are, however, old monuments in the cathedral which speak of the past. In the view I had of the city from the eminences, I was surprised at the vast multitude of spires and steeples,—more than I ever remember to have seen in the same space,—and, in fact, there are ninety-two churches and as many palaces here. The king's is quite a town of itself,—with its appurtenances, that is. It contains seven hundred apart-

ments. An edifice struck me as I was returning, and at the foot of the height, which I descended another way than by the high street,—I asked the hack driver what it was. "Wallenstein's", was the answer. It was in rather a modern style, not unlike Talleyrand's hotel at Paris, though on a smaller scale.

In general, the appearance of Prague is very unlike that of any other city I have seen. The first impression it makes is decidedly that of antiquity, but not of mere antiquity, like the villages in North Germany, for there is nothing mean or shabby in it, but of historical consequence and long established wealth. Such, I imagine, must be the air of Venice, or any other old Italian capital.

I left it at 11 to come to Munich, from which it is distant 50½ German miles, (upwards of 200 English miles). I anticipated a most fatiguing journey, but, to my great surprise, I performed the first fourteen posts in ten hours,—more rapid travelling than I remember any where else in Germany for the same distance. But from Pilsen to Ratisbonne, where, after travelling all the night of the 7th–8th,—I slept that of the 8th–9th (at the "3 Helme")—I went slowly enough. To be sure I had to cross the *Böhmer Wald*,—and a *wood* it was. When we were laboring up the steep ascent between Klentz and *Wald München*, I saw one of the neighboring peaks still covered with *snow*, and no longer wondered at the exceeding cold night I had passed in my carriage, or at the eager air of the morning: but the weather, during the two days from Prague to Ratisbonne, was beautiful beyond expression. The cold continues still, (11th May)—indeed snow (some flakes) fell here this morning, nor should I be surprised to see more to-morrow. Every body is complaining at this prolonged winter, though the vegetation is more advanced than one would expect to find it in such an atmosphere.

I arrived at Ratisbonne at 7, (8th May,) and immediately sallied out to go into the cathedral, if possible, but returned disappointed. My time is too short to admit of my staying more than a few hours in this old famous city. I order post-horses at half-past 6 in the morning, and, rising at 5, (I had shaved overnight,) I go out as soon as possible and see the two things I was most curious about, viz: the cathedral,—a fine Gothic church, the best I have seen since I left the Rhine,—and the river, the *Danube*, which I saw for the first time, and the old stone bridge over it. The stream, or rather streams, are very rapid here, and as I looked at it bubbling and whirling by the island, below the bridge, covered with mills, whose wheels are turned by its current, I wondered how they escaped its vengeance during what we call in America its *freshets*. But precautions have been taken to break and control the flood as much as possible, by long *jetées* of stone, etc., running out into it in different directions.

I forgot to say that at Wald München, while I was waiting for my passport, etc., a paper they give in Bavaria to all persons travelling by post, called an Extra-post-Stunderpass, (in which are recorded who you are, whence you come, whither you go, at what hour you arrived at the "*station*", and at what hour you were again set in motion,—what is the length of the "*station*", and how much you have to pay for it,—in short, a very precise and comfortable piece of information, which accompanies you from stage to stage during your whole progress, with the requisite accessions at every *relai*,) a Frenchman comes down, is very *comme il faut*, civil, salutes and tells me he hears I am a Frenchman,—that he has a difference with the Austrian *douaniers*, though his passports be all *en règle* and he have letters for persons at Prague,—that he had written to M. de Montbel, etc., etc. When he hears I am from Brussels, says he has a mind to go there himself,—that, should he do so, he would go to see Madame de Mérode. "Do you know Mad. de Mérode?" Yes, but which of them do you mean? He seems rather puzzled by the question, but, after some circumlocution, gives me to understand he means Countess Henri,—becomes communicative and *confiding?*—tells how he had made an *ouvrage magnifique* for some part of the Catholic service, but that his mother, who is rich, did not approve it, or him, or something: elle est sevère, ma mère,—elle me tyrannise, etc. I tell him if he is a maker of such sort of *ouvrages*, he is just the man for M. de Mérode, who had written a book in co-partnership with his cousin, the Marquis de Beaufort, entitled "L'esprit de vie et l'esprit de mort," highly spiritual and especially Catholic, disapproving even Bossuet for his ideas about the independence of the temporal power and the liberties of the Gallican church. My Frenchman doesn't seem familiar with such things; speaks of his child, which, of course, *he* loves, for he is a *fils unique*, and whom every body at Wald München loves too,—says his happy and simple (they are the same) papa.

It is Sunday. The streets of this village, as of one I passed the day before, are filled with people gathered as to a fair. Young men with flowers (artificial) in their hats, children and old men.

At another post-station, there was a multitude of country women looking out at a window,—then music and waltzing. The simplicity of these mountaineers contrasts strangely with the manners painted by Balzac and Paul de Kock, whose *ni Jamais, ni Toujours*, I have read *ces jours ci*, I found, par parenthèse, less immoral in their tendency, though more cynical in their paintings, than those of his less decried contemporaries, who pervert the head, which is worse than exciting the senses.

I have for once had enough of mountains and woods, and

begin to sigh for a more level country,—for I travel slowly, and that is to me suffering.

9th May. Leaving Ratisbonne, at half-past 6, in the morning of the 9th May, I passed through Landshut on the Isar, and along its pretty valley, to Munich, where, however, I did not arrive until a quarter past 9,—16 *meilen.*

10th May. Taking a *valet-de-place*, learn, to my great disappointment, that the picture-gallery is invisible. They are just arranging the new *Pinakothek*, which it is not permitted to enter. Console myself, as well as I may, at the *Glyptothek*, which is a pretty building on the *König's Platz* in the *Maximilian Suburb.* Having bought a catalogue, and made my remark on the margin of it, I have only to say, in general, that it is an extremely interesting collection,—arranged with skill, and exhibited to the best possible advantage in splendidly and characteristically decorated halls, lighted by windows in the roof. I passed a couple of hours here,—all that was allowed me, for it was shut at 12, and is not opened to-day, it being reserved for the king,—and confined myself principally to the Egyptian compartment, the Antiques and Canova's Venus and Paris.

At 2, dined at the *table d'hôte* of the *Cerf d'Or*, where I am; found the company numerous and rather good; fare detestable; as Talleyrand said of us, *leur luxe est affreux.* This German cookery is neither simple and wholesome like the English, nor refined and delicious like the French, but an odious, or rather monstrous deviation from the one, without the least approach to the other.

After dinner, I went out again with my *valet-de-place.* Saw the cathedral,—brick building some 300 and odd years old, with two towers covered with globular roofs, like mustard pots. It contains a monument in bronze of the Emperor Louis de Bavière, extremely rich and well executed.

Thence to my banker's; and then, through the Isar gate, to a promenade on the other side of the river, which runs along its bank, on a height from which one has a fine view of the whole city. The weather fine, but excessively cold. The Isar gate is painted without with very fine frescoes. We re-entered the city near the palace, and passed through the beautiful English garden, as it is called,—an extensive park or grove, through which a stream of blue mountain water is made to run (as if it were a branch of the Isar) with rapid current, giving great freshness [illegible] animation to this delightful promenade.

[illegible]ed to the hotel towards nightfall entirely overcome [illegible], and determined to leave Munich about 1 to-day.

Send a letter from M. Overschi de Merisch to his uncle the Archbishop of Tyne, the Pope's Nuncio here, with my card and an offer, as I was obliged to leave Munich next day, of my services in case he had any thing to send to Brussels. Monseigneur is brother of my friend Mad. Jos. d'Hoogvorst, and of the Count de Mercy d'Argenteau, a good Belgian house. Throw myself on a sofa and fall asleep immediately.

Stroll out, after breakfast to-day, to take a further view of the town, leaving it to chance to direct my footsteps. The Faubourg Maximilian, which is in this neighborhood, is already very airy and well built, and will, some years hence, be, I doubt not, quite elegant. The older and far greater part of the city very inferior to similar parts of Brussels.

When I return to my lodgings, at 12, intent upon my departure, I find a card from a Mr. Parkman, an American, and a pressing and most flattering invitation from the *Nuncio* to dine with him to-morrow. Considering the manner in which Mad. d'Hoogvorst urged me to see him, and my reminding her son (for she was not in Brussels when I left it) of her request to be informed when I should set out, I felt almost obliged to accept the invitation, and so postpone my departure till to-morrow evening,—determined to give up Augsbourg and travel all night to Nuremberg, the horribly cold weather notwithstanding.

I have scarcely sent an answer, when Mr. Parkman comes in. Tells me the Nuncio spoke to him some days ago of my intended arrival, and that *he* dines with H. E.; and that I shall find there some ladies and gentlemen of note in their *beau monde* here, of which, it seems, the Nuncio's house is the head-quarters.

Il y a compensation en tout et partout,—if I expect a good dinner to-morrow, I eat a detestable one to-day, by the side of a German speaking English with an Englishman on his other side, and with whom I did not exchange one syllable. Independently of my unforgiving repugnance to people that address themselves to me in broken English, I am *not* at ease at a *table d'hôte*, and feel, whenever I am at one, all the depth of my *misanthropy*, or whatever such a temper deserves to be called. I hear my name, "Mr. Le*gree*", distinctly pronounced. This shews I am in company with people who have heard of me in America. I listen and hear further, "at Brussels", etc. It is a conversation between an American, or German established in America, and his wife, and an Englishman, *vis-à-vis*. He has heard of my being here through the Mr. Parkman, (for my name, in the list stuck up by the entrance of the hotel Leparé, is Mons. Legaré, *particulier*,) and knows who I am without knowing me.

After dinner visit the *Aller Heilige* chapel, which is just built, in the Byzantine style, as a chapel of the palace, and far from being finished. What I go to see are the fresco paintings in the

ceilings.—and beautiful things they be. Thence to the Arcades that line the Hoff-Garten, also painted in fresco: one series of the pictures representing the great epochs of Bavarian history,—erection of the Electorate, storming of Belgrade, etc.,—another, some of the principal landscapes of Italy. These latter have all their names in golden letters under them, and, above, an *epigraph* in verse by his most poetical majesty. Thence into one of the book-shops in these buildings: offered the *Carlsruhe* edition of Herder, in forty-four volumes, (unbound,) for 39 flor. Sadly tempted to buy. While there, the bands of two regiments play in the garden some of the airs of the *Pré aux Clercs*, etc. The young man in the shop tells me these fine public walks are not frequented,—the people giving their leisure moments to the *estaminet*, as in Belgium. Yes, say I, beer and tobacco every where dispose to rest. Saw, also, the monument of Prince Eugene by Thorwaldsen in the Jesuit's church. Not very *much* struck. Return to my lodgings, and employ the evening in scribbling this stuff.

Thursday, 12th May. After breakfast, to the Leuchtenberg palace to see the gallery,—this being one of two public days in the week. Unfortunately shut up to-day, because there is a great *fête*. By dint of perseverance, am conducted, with a short old woman speaking French very well, though with an accent, and a *youngish* man, whom I found imploring, into the gallery. I take it into my head, I know not why, that this is Mrs. Trollope. My great object was Canova's Graces and Madeleine. I see and am ravished. This is worthy of Greece.

The gallery of paintings is small, but select. There are three delicious Murillos: a Madonna, beautiful as woman can be, etc. A head of St. John by Carlo Dolce, the pendant of his Christ at Dresden. Some Paolo Veroneses,—a head by Raphael,—landscapes by Salvator Rosa, Domenichino, Vernet, (a beautiful one by Joseph, especially,) Ruisdell,—pieces by the Dutch masters,—three Rubens', several Vandykes, (children of Charles I.), a capital cartoon, or drawing of the *Cena* of Leonardo da Vinci, etc., etc.

We have to decamp in an hour, for some princess, I forget whom, is coming to draw there; and I go thence to walk about the streets, which are unusually thronged, as are all the churches, on account of the *fête*. See men and women drinking beer together in open piazzas,—Bocks-keller.

The coiffure of the women here is like that I have remarked elsewhere in Germany. Hair drawn up into a knot on the top of the head, and surmounted with a sort of tinsel covering, which I am not sufficiently master of the language of millinery to describe. Another thing that strikes is the number of peasants,

and the strong mixture, owing to the neighborhood of the mountains, of rustic simplicity and originality in costume and manners. About 3, I go out again to walk before dinner, (half-past 4,) into the English garden. Find that the water in the streams led through the park is not *blue*, as I thought, but a bright green, (rio verde of the Spanish romance); and that there are two crossing each other, of which one is made to tumble over rocks some three or four feet down, and to send up quite a pleasing and *respectable murmuring* sound. A good many people come into the park towards 4 o'clock, as I am going out to dress for dinner.

I am precise,—indeed, I suppose a few moments before the hour, for I am the first of the guests that arrive, and Monseigneur is not yet in the salon. Comes in immediately, however, in half-dress, with chocolate-colored stockings, etc. I am struck with his *abord*, which is extremely graceful and courteous. He is rather above the middle size, slender though well-proportioned, apparently about fifty-five, but in good preservation, (if that *is* his age,) and withal I think handsome,—a striking likeness to his sister, Madame d'Hoogvorst. His entry is soon followed by that of his secretaire, and then successively by the arrival of about sixteen or eighteen other guests,—my countryman, Mr. Parkman, being the very last, and somewhat impatiently waited for. Among the personages I saw here were Prince Mavrocordato, (the Greek minister,) Count and Countess Cetto, Mr. St. John (of Lord Bolingbroke's family), etc., etc. Dinner very good—for Germany; mine host, however, is a Belgian, and so are many of his *sujets*, says my servant. House very comfortable, and rendered, indeed, somewhat splendid by gilded *corniches*, and the rooms too narrow. At table, I am between the secretary (successor, as I find, of my colleague Monseigneur Gizzi, *Internuntio* at Brussels) and my compatriot, whom I discover to be a most confirmed ninny. Among other persons at table, was one sitting even *above* Mavrocordato, who, Parkman tells me, is a great man at Court here and a *soi-disant* converted Jew. I have a great deal to say to my Italian neighbor, but nothing worth repeating, except that he is a devoted admirer and friend of Gizzi, (who is a lawyer of the Rota), and informs me the Lazzaroni are *always* under the *absolute* control of some ecclesiastic or other. At dinner, Parkman tells me the conversation generally turns on play, old Countess Cetto being grievously addicted to it; and, accordingly, as soon as dinner is over, the whole company, following the lead of the Nuncio and this veteran gamestress, go up stairs, where I see two tables set with cards, etc., on them. At one of them they play *Napoleon* points: at the other some trifle,—it is at the latter the Nuncio always plays. Before they have made up their parties, the Russian

minister comes in accompanied by two youths, who, it seems, are his new attachés, one of them, I believe, his son. This frustrates the card-playing project. Segars are brought out instead, and we go out into the large balcony with the ladies, (Madame Cetto and her daughter,) and fall to smoking. I find my poor silly countryman is a *butt*. Mad. Cetto calls him "Mr. Virginée", adding she doesn't know why she doesn't remember his right name. She bids him smoke like the rest. He answers, "I would do any thing I could to please you, but il ne *foo*me pas." "Ah, vous ne *foo*mez pas."—"Monsieur ne *foo*me pas,"—"Comment, il ne *foo*me pas," etc.; and so it goes round, till the whole room is full of the *foo*mé of the poor Yankee, who listens to all this quizzing with the most unsuspecting simplicity and bonhommie imaginable. St. John comes up and talks with me. Says he was born in America, and his family have possessions there still. In the midst of our confab, the Nuncio comes up and takes me into another room to see a very striking likeness of his sister. It is getting late,—7 o'clock,—and being determined to leave town at 8, I take my leave of this very amiable and gentleman-like person,—who looks confoundedly like an *homme à bonnes fortunes*,—and has the undefinable ways of a polished *roué de bonne compagnie*,—after many compliments and words, of course, *de part et d'autre*.

When he first entered the room and spoke to me, I thought I had never met with any body whose manners pleased me more; but, before I took my leave, I thought him rather too *frisky* and *juvenile* for one of his age and dignity. His breeding has been military. In 1823 he was the King of Holland's aid-de-camp, and is now only an *archbishop in partibus*.

Frankfort on the Main, 16th May, 9 o'clock P. M.

I arrived here this evening, at 7 o'clock,—having passed through Augsburg, Nuremberg, (where I spent the night and half the next day,) and Bamberg, (where I also passed twenty-four hours,) and alighted at the Hotel de Russie.

Augsburg is a fine city—the exterior that is,—but, for historical interest and old monuments, commend me to Nuremberg, which forms, with Wittenberg, the most interesting couple of objects I have seen in Germany. Here every thing is as full of Albert Durer and Peter Fischer, as at Antwerp of Rubens and Matsys. The old castle, with its gallery of paintings, etc.,—the church of St. Laurens and the cathedral. St. Sebald's tomb in this latter,—and, in the former, the *tabernacle* in stone, Gothic style, by Kraft, and a window of painted glass, not inferior, if not superior, to that in the cathedral of Cologne, or the famous present of Charles V. to St. Gudule at Brussels. An extremely interesting object is the painting, by ———, of the great feast

given in 1648, in the long room of the town-hall, (a noble pile of various dates and styles,) on occasion of the peace of Westphalia. The table is surrounded by all the great *notabilités* of the day,—said to be good likenesses. Those that struck me most were Piccolomini, Banner, Poppenheim, (very handsome figure,) one of the counsellors of embassy, etc.

The general face of the country, from Munich to Nuremberg, mountainous and sterile, as on the other road, but from Nuremberg to Bamberg, (seven and a half German miles,) along a pleasant valley, the drive was quite delightful.

This last city is situated on both sides of a little river, which here begins to be navigable, and falls, just below the town, into the Main. Cathedral and castle on the hill, towering over the town. The former a noble church, full of Henry II. and Cunegonde. Said to be built in the twelfth century. Arches not pointed, except some few.

NOTE BY THE PUBLISHERS.

We remark of this *Journal*, as we did of the preceding *Diary*, that it was not intended by its author for publication in its present shape, and also that the difficulty of deciphering the manuscript may have led to many verbal errors, especially in names of persons and places.

Mission to Belgium,
BRUSSELS, 26TH SEPT., 1832.

To the Hon. EDWARD LIVINGSTON,
Secretary of State of the United States—

Sir,—I arrived here only on the 21st inst., but have been so seriously indisposed ever since, as to be almost wholly incapacitated for any sort of occupation. I made an effort, however, to go out yesterday and present my credentials to the Secretary of Foreign Affairs, and had, subsequently, an audience of the king. My unwillingness to suffer another Havre packet to sail without giving the Department some account of what has occurred during the first stage of my mission, will, I trust, excuse any appearance of haste or brevity in that account.

"I arrived in Paris on the 19th of August, and remained there about four weeks. My stay was longer than I originally intended that it should be, but many considerations weighed with me to protract it. The two most prominent were the fact, known to all Europe, that the politics of France and the politics of Belgium are, as things stand at this moment, precisely the same, and their interests (in respect of their continental relations, of course) completely identified; and my own entire want of experience in the new and delicate function committed to me by the government. It was of great importance to me, as a diplomatic agent accredited to this Court, (itself a *new* one,) to have the advantage of being presented to one, with which it is, by every sort of tie, so closely connected; and I avail myself of the occasion to express my gratitude to Mr. Rives for the pains he took to promote the objects I had in view. After the necessary delays, which need not be mentioned, I was presented to the King of France at Neuilly, and had the honor, ten days afterwards, to dine with the Court at the same place. The interest (as strictly affectionate and domestic as any that occurs in private life) which the reigning family of France feels in every thing connected with the welfare of Belgium, ensured to me a kind reception from *them*, and, in my conversations with them, I endeavored to pave the way to a similar reception here. The day after I dined at Neuilly, I set out with Gen. Wool on my journey hither. He begged me to act as his interpreter at the

important post of Douai, which had been particularly recommended to his attention, and a stay there of about two days, for the purpose of *inspection*, was the only delay in our journey. As soon as I conveniently could, after my arrival here, I sent a note (of which a copy is herewith transmitted) to the Department of Foreign Affairs, notifying my arrival to the acting minister, (Gen. Goblet,) and requesting him to appoint a time at which I might present my credentials. We had an interview yesterday, at noon. He expressed himself, on behalf of his government, most favorably disposed towards the United States, and observed that he thought we had a deep and peculiar interest in the prosperity of Belgium. I replied to him in general terms, that, as a growing, prosperous and enterprising nation, the *United States have*, indeed, a deep interest in the welfare of all other nations, and *especially in whatever has a bearing upon the freedom of navigation and commercial intercourse.* After a few moments of such conversation, I took the liberty (which I prefaced by as many apologies and palliations as I could express in French) to request that he would procure me as early an interview with the king as was consistent with the perfect convenience of his majesty, assigning as a reason for my solicitude upon the subject, that Gen. Wool, who had been sent abroad by the government for purposes which I mentioned, was at Brussels, and would remain in Belgium but a short time. I therefore wished to have an early opportunity of presenting him to the king, since I could not doubt but that here, as in France, every facility would readily be afforded him by the government, and the juncture (on the very eve, apparently, of hostilities) was a most interesting one. The minister told me he would make my wishes known to his majesty, and that he thought it quite likely I should be received in the course of the day. Accordingly, a few hours afterwards, both Gen. Wool and myself were invited to dine with the king. I was presented to him by the Grand Marshal some time before dinner. The reception I met with was such as I had been led to think it would be, and I expressed to his majesty, in a very few words, the gratification which the people of the United States felt at the happy consummation of the Belgian revolution, in the establishment of the present order of things. The king conversed with me in a very statesman-like manner, about the points of commercial contact (if I may so express it) between the two nations. Amongst other things, he dwelt upon the prospect of resuscitating completely the fortunes of Antwerp by making it almost a free port, and securing to it the undisturbed navigation of the Scheldt. In fact, I have understood from our consul in that city, that, in in spite of all its present difficulties, (which are very great,) its commerce is very much increased, and that it bids fair soon to

divert a very considerable part of the trade of the Rhine, from Amsterdam and Rotterdam.

"Gen. Wool was afterwards presented to the king, who did him the honor of inviting him to breakfast at the palace this morning, and to go immediately afterwards, in the royal carriage, to see a great review which is to take place to-day in this neighborhood.

"I have subscribed, for the information of the department, to three of the leading newspapers of this city: two of the ministerial, and the third on the opposition side of political questions. Even from the very few numbers which I send by this opportunity, the government will perceive that the King of Holland has finally and flatly rejected all overtures to a compromise of the disputed points, and that the controversy will, apparently, now have to be decided by force of arms.

"The young Duke of Orleans is here on a visit to his sister, and Marshal Gerard has gone to the northern frontier of France to put himself at the head of a *corps d'armée*, ready thence, at a moment's warning, to come to the succor, or even to dispense with the services of the Belgian troops, should the French and British governments think fit to enforce the decision of the conference. It is possible, perhaps probable, that the King of Holland will yield to the first *demonstration*, by an unequivocal overt act, of such a purpose on the part of those governments. The prospect of a general war, growing out of the Belgian controversy, seems diminished by the interest which Prussia has in the free navigation of the Scheldt, as well as by the reception given at the Courts both of Austria and the power just mentioned, to the ambassadors of Belgium. What effect the very important and rather difficult question of the Spanish succession may have, upon the peace of Europe and the destinies of its governments, is another affair. The name, at least, is of evil omen.

"Before closing this communication, I have to state that a rumor, not groundless, it is said, prevails here, that the ambassador of his Prussian majesty, at Paris, has protested against the French army of the North's crossing the Belgian frontier in case of an open rupture with Holland. This looks more threatening than any thing I have as yet heard. And, even while I write these lines Gen. Goblet, the Secretary of Foreign Affairs *ad interim*, speaking with me about the prospects of his country, (which he did a good deal, at the conference, to improve,) betrays, without expressing, a deep anxiety on the subject.

I have the honor to be, with high consideration,

Your ob'dt. servant,

[Signed] H. S. LEGARÉ.

BRUSSELS, 17TH OCT., 1832.

To the Hon. EDWARD LIVINGSTON,
Secretary of State of the United States,—

Sir,—Nothing definitive, nothing from which safe conclusions may be drawn, has yet transpired on the subject in controversy between Belgium and Holland. The King of Holland adheres pertinaciously to his views of the question, and is thoroughly supported in his determination by his whole people. On the other hand, it is quite impossible that this government should consent to the terms which he exacts: there seems, so far as I can judge, to be the greatest unanimity among the Belgians on that point, however they may differ on others. But then the difficulty seems to be the unwillingness of the three Northern Courts to suffer any coercive measures to be adopted by France and England. Lord Durham, who passed through Brussels some days ago, on his return from a special mission to St. Petersburg and Berlin, was satisfied with the results of his negotiation. This I have on very good authority. Shortly after his arrival at London, a cabinet council was called and another meeting of the conference was held. The English newspapers, within a day or two, announce formally that a combined English and French fleet is about to blockade the ports of Holland, with the consent of the northern powers.

Meanwhile, military preparations are going on here with great activity, as well as on the northern frontier of France. You will soon have heard that the King of the French has formed a cabinet, at last, at the head of which is Maréchal Soult, and which is already pledged to the public to pursue the system of Casimir Perier. In all events, I have no doubt that Louis Philippe will do whatever he can to defend the throne of his son-in-law, from personal no less than political reasons, both of which are very strong in favor of that course. The family tie, which unites these monarchs, is very different from that cold political relation which royal marriages generally produce. It is, unless I am egregiously deceived, a hearty and affectionate union, and will produce, as far as it may lie in the parties principally concerned, all the effects of a similar connection in private life.

I dined at Court a few days ago, and had a very long conversation with the king, which turned principally upon the commerce which is likely to subsist between this country and the United States. He dwelt much upon the consumption of tobacco, rice and cotton, but observed to me repeatedly, at intervals, that our tariff, especially in respect of woollens, bore very hard upon our customers here. I told him a recent reduction had taken place, and I did not think it at all impossible that some further modification of the law would be made, as soon as

experience should show, as it would, that the revenue arising from the customs under the present act, would be a great deal more than we should know how to dispose of advantageously to the country.

It appears to me very desirable that the Dutch system of restraint, so far as Antwerp and the Scheldt are concerned, should be got rid of, and a free communication with the States of the Rhine be opened, as I trust it will be, under the auspices of this government. I am persuaded the system of policy which King Leopold will adopt, so soon as he shall be freed from the difficulties of his present position, will be, in all respects, consonant with the principles of enlightened reason and good government. I am so much struck with the admirable sense and temper which are displayed in his whole conduct and conversation, that I am tempted to repeat what I have already had occasion to remark, that it is impossible the Belgians should have made a happier or a wiser choice.

I did not receive, until yesterday, the trunks containing the archives of the legation. I immediately disposed of them in the office of the *Chancellerie* and verified the inventory. Having heard from Mr. Rives on the subject of an allowance, under the head of contingent expenses, for office hire, I have provided myself with a suitable apartment for that purpose, for which I shall send in a quarterly account of three hundred francs. If clerk hire be allowed me, my claim for it will amount to the same sum, which is what I give to the person occupied in the Chancellerie. I would take the liberty of remarking here, that without an allowance of the kind, the situation of a Chargé d'Affaires, by no means, as I know from experience, desirable in itself, becomes in the last degree irksome and disagreeable. I think the Executive ought to press it upon the consideration of Congress, that it is far from being an advantage, in any point of view, to the American people, to send its representatives abroad with inadequate compensations. It is to expose them to perpetual mortification, and to make their whole life a painful struggle to reconcile inevitable expenses with necessary, however sordid parsimony.

I have the honor to be, etc.,

[Signed] H. S. LEGARÉ.

Mission to Belgium,
BRUSSELS, 27TH OCT., 1832.

To the Honorable the Secretary of State
of the United States, Washington,—

Sir,—On the subject of the Consular department, I think it my duty to inform the government, that our system of leaving these

agents to procure what recompense they may, for their trouble and services, by accidental perquisites, leads (I understand and have reason to believe) to a great deal of evil. In the more important sea-ports, such a system may do very well, but, in the great majority of cases, it seems impossible that the character and conduct of the men who are willing to accept such appointments on such terms, should be consistent either with the interest or the dignity of a great, and especially a great commercial people.

I know that these things are subjects of legislation, and more proper for the consideration of Congress than of the Executive, but it is the duty of every one connected with this high department, to give it all the information which his opportunities enable him to gather. As a citizen of the United States, I feel the more sensitive to every thing which involves, in any, however slight degree, the honor of our country,—because her great example is now more than ever becoming the subject of inquiry and discussion, and the payment of the national debt, and the unexampled prosperity of our finances, enable the government to adopt any system which is called for by the true interests of the country.

In this connection I would remark, as you will gather from the newspapers I transmit with this communication, that the spirit of emigration is spreading in Germany to a most extraordinary degree, among the more substantial classes of country people and tradesmen, who bring out to our country considerable accessions of industry, intelligence and capital.

I have the honor to be, etc., etc.,

[Signed] H. S. LEGARE.

Legation of the United States,
BRUSSELS, 26TH NOV., 1832.

To the Hon. EDWARD LIVINGSTON,
Secretary of State of the United States,—

Sir,—At the date of my last dispatches (for I have regularly written by all the packets from Havre since my arrival here) the French were crossing the frontier. Ten days are since elapsed and they have made no progress whatever towards the accomplishment of their chief object, except that their army is collected about Antwerp. The summons to surrender the fortress, which is to be formally made, has not yet gone forth, and there seems to be some doubt when it will. I suppose, however, in a [illegible] days something decisive may be expected. In the mean[illegible]e, from the papers you will perceive that there is no disposi[illegible] whatever, on the part of the King of Holland, to recede

from the position he has hitherto maintained. What the actual application of force may do, it may be difficult to conjecture, but we may safely affirm that he has exhibited no alarm or weakness at its approach. Meanwhile a debate of great interest is going on in the house of representatives here. The minister of foreign affairs made a full *exposé* of the conduct and results of the negotiations at London, (of which a copy is herewith transmitted,) and a discussion has arisen on the general state of the nation, thus set forth, in framing the answer of the house to the discourse of the king. The question may be thus summed up. The house,—that is, the opposition in the house, who were strong enough to put in a majority of members of the committee on the address of their own party,—charge the ministry with having deviated from the *spirit* of those acts by which the Chambers declared their *adhesion* to the articles of the 15th Nov., 1831, commonly called the Twenty-Four Articles, in having agreed to the intervention of France and England, the only object of that intervention being, to put the parties to the controversy in possession of the *territory* to which they are respectively entitled under the Twenty-Four Articles, without having any effect (except a very contingent and undefined one) upon their execution in other respects. The consequence of this, you are aware, will be to give up to Holland *one-tenth* (400,000) of all the population of Belgium in Venloo and Limbourg, and part of Luxembourg, in exchange for the citadel of Antwerp and its dependencies, without any thing being decided as to the debt, the navigation of the Scheldt and the Meuse, the internal communication by land and water, etc. The ministry reply by citing the very language of the Chambers, enjoining it on them, above and before all things, to insist upon the mutual evacuation of territory; and that language does, in fact, seem to be susceptible of the interpretation put upon it by the ministry. But the opposition reply that the *évacuation préalable* spoken of by the Chambers meant, and could mean, only an evacuation *de gré-a-gré*, not a compulsory one; and they urge with vehemence, that to abandon 400,000 of their brethren, who have shared in all the glory and the guilt of the rebellion, to the Dutch government, would be as base as it is impolitic to exchange that territory for the citadel alone, which is no fair equivalent for it. But then a party, somewhat between the ministry and the opposition, say, rather sceptically, however, that the ministry have not consented and will not consent to cede that territory, without taking security that Holland will pass an act of oblivion in regard to it. On this point, I am not quite sure that the answer of the ministers is explicit. For the present, they seem to hint an assent to the necessity of some such stipulation. In the meantime, they deny that the evacuation was either said or meant to

be a mutual evacuation by consent. There appears to me to be much force in the view of the opposition, for there is all the difference in the world between the King of Holland's *estopping* himself by a voluntary cession of the fortress and abandonment of the Belgian territory, from even setting up any claim upon it, and his being forced out of it by England and France, meditating and even menacing a recapture of the posts, and, indeed, a complete restoration of dynasty. But then comes the practical question, which puzzles many who do not approve of the conduct of the ministers so much as to make the result of the discussion still uncertain, —What is to be done? The armed intervention with the concert of this government is a *fait accompli;* approve or disapprove of it, what do you propose? They interfere as arbitrators to execute a treaty which they have virtually dictated. The only condition precedent to their interference (the invitation of this government) has been fulfilled. Here they are,—think or do what you may, the alternative presented is either to acquiesce in what cannot be undone and make the most of it, or to disavow it altogether, break off all negotiation, and right ourselves as against Holland by open war. If a majority of the Chambers should adopt this latter course, the consequences cannot be anticipated. For my own part, I think a general war would ensue,—for the Northern powers, whose panic about revolutions is probably somewhat diminished within the last year, would perhaps be glad to avail themselves of such an occasion to absolve themselves from the bond of the Twenty-Four Articles. But will France and England consent to Belgium's adopting so perilous a course? Any war would be unpopular and almost impracticable in England, situated as she is,—and the French cabinet, which is a very able one and inclined to peace, and which, besides, as is manifest from the results of all their recent parliamentary triumphs, have gained a complete ascendant over the popular mind in France,—would naturally do all they could to prevent any change in the existing condition of things. This is, however, all speculation, and you know how to appreciate the conjectural predictions of politicians.

I perceive that in South-Carolina the advocates of nullification are completely triumphant. Should they proceed to any *decisive* measures of opposition to the law, I shall probably sue for my recall. Things will have been settled here, and, in such a *crisis*, I feel that my post is not in a foreign land.

Accept the assurances of my high consideration,

[Signed] H. S. LEGARE.

Legation of the United States,
BRUSSELS, 27TH DEC., 1832.

To the Hon. EDWARD LIVINGSTON,
Secretary of State of the United States,—

Sir,—Since my last dispatches the citadel of Antwerp is fallen into the hands of the French, and Gen. Chassé and his whole garrison are prisoners,—but whether prisoners of war, as the victorious General has called them, or prisoners of a denomination yet unknown to the public law of Europe, is a great question for the diplomatic corps. The whole expedition was a novelty in the history of nations. It was not to make, but to prevent war, that the French army entered into Belgium. They came to enforce a contract,—to execute the law which the *conference* had enacted. Marshal Gerard was doing what a sheriff does who has a writ of *habere facias possessionem* in his pocket. Like a sheriff, he had a right to overcome, by all the force necessary for that purpose, the resistance that was opposed to him. But, the trespasser once turned out, and the rightful owner put into possession, he has no right to keep the former in custody. The English ambassador was, I understand, very uneasy at the first announcement of the capitulation, especially upon the use of the term "*prisoners of war*",—but it seems probable that no serious difficulty will arise out of this verbal difference. The probability is that the French will crown their really (quære tamen) *brilliant expedition*, by setting the Dutch troops at large in a few days. Whether they will themselves return so soon to France remains to be seen. The King of Holland has been, since the taking of the citadel, summoned to surrender two other forts, which were at first under the command of General Chassé, but were afterwards detached from the citadel. His answer is not yet officially known, but no doubt is entertained but that it will be in the negative. The same stubborn, impenetrable obstinacy, or the same confident anticipation of a general war in the spring, which made him expose so many brave men to destruction in the citadel of Antwerp, can scarcely fail to make him dispute every inch of ground to the last.

By this happy result, the Belgian controversy is really reduced to a single point,—and that a very subordinate one,—in which, besides, this government is not much more deeply interested than the States in the interior: I mean the *quantum* of the toll to be paid for the navigation of the Scheldt,—or, to express it more accurately, of the indemnity which Holland is to receive for its liberty.

Matters must be very clumsily managed indeed, or some very untoward and unexpected events arise, to prevent a final settle-

ment of the question in favor of the present order of things in this country and the peace of Europe, and that in a short time.

I have the honor to be, etc.,

[Signed] H. S. LEGARÉ.

Legation of the United States,
BRUSSELS, 6TH JAN., 1833.

To the Hon. EDWARD LIVINGSTON,
Secretary of State of the United States,—

Sir,—Since my last despatch nothing of the least importance has occurred here. The French army, of which the head-quarters are at present *here*, is returning to France without having taken the forts of Lillo and Liefkenshock. The Dutch prisoners have been marched into France, and, contrary to the expectation I intimated in my last letter, there has hitherto been no manifestation of any purpose on the part of the French government to release them. You will perceive, from the newspapers, that the Northern powers have recently made public their dissatisfaction in reference to the course pursued by England and France; and Russia, especially, seems disposed to carry it with a very high hand towards the latter power. As to the British cabinet, although the results of the recent elections are as favorable to it as could have been hoped, I am very certain that they do not feel quite easy in their new relations with France, and that they will be extremely indisposed to take another step in the way of coercion (by force, I mean) against Holland.

But the politics of Europe are become comparatively insignificant in my eyes, since the publication of the proceedings of the South-Carolina Convention. I am not called upon to discuss that subject, at present, but it is my duty to inform the government, that no event has recently occurred which has excited half so much interest in Europe. I am firmly persuaded that, except the few radicals and theoretical republicans scattered about the cities and universities, all parties are filled with hope and joy at the appearance of a danger so imminent, impending over the "république modèle", as it is tauntingly called. Depend upon it, sir, that if the wise and moderate counsels of the country do not prevent those discontents from breaking out into flame, the cunning of European diplomacy, and the arms, it may be, of European power, will not long be wanting to encourage and strengthen the fatal spirit of resistance. There never has been an era in modern history, the reign of terror itself not excepted, in which crowned heads of every name and description might be expected more cordially to unite in such an undertaking,—to

say nothing of the commercial interest which all Europe has in getting rid of your restrictive measures, and the competition of the industry which they are supposed to foster.

I have the honor to be, etc.,

[Signed] H. S. LEGARÉ.

P. S. The lively interest, which the very peculiar posture of affairs in this country gave to its news, having ceased to exist, I shall, it is probable, be a less frequent correspondent of the department hereafter. Mr. Clay, secretary of legation at St. Petersburg, bearer of despatches to the government, arrived here last night, and will proceed forthwith to his destination either thro' Havre or Liverpool. From a conversation with him, I learn that the government has refused to allow office-rent at St. Petersburg. That being the case, I suppose I must expect the same rule to apply to my own case, and shall not urge, for the present year, a claim founded I conceive upon obvious reason and even necessity. The archives of the legation occupy two closets. The minister is particularly charged with the care of them. No official business, of any importance, can be transacted elsewhere than in a bureau, and, least of all, where a small income requires that a public functionary, however elevated his political rank may be in the opinion of mankind, shall spend as little as possible upon house-rent. Neither desiring nor expecting, myself, to participate in any advantages that may result from a change in the policy of the government, I cannot choose but declare as a citizen of the United States, jealous of the honor of a great country, and that country one, for reasons already stated, an object of universal jealousy and hostility, that an entire change in the system of our diplomatic agencies is absolutely necessary. Gentlemen, worthy to represent such a nation as ours, in so exalted a social station as the *corps diplomatique* occupies in all civilized countries, must be placed above the degrading sacrifices of feeling to which every American minister, without exception, is at present subjected.

Legation of the United States,
BRUSSELS, 17TH JAN., 1833.

To the Hon. EDWARD LIVINGSTON,
Secretary of State of the United States,—

Sir,—The King of Holland has, at last, made an overture to France and England, which is likely, I should think, to lead to a satisfactory settlement of the question. The language of the ministers is singularly contrasted with that hitherto held by the

Dutch government. I have seen the communication in the hands of one of the diplomatic corps here.

In consequence of the king's absence, (at Lille with the French Court,) who is expected to return to day, nothing, I suppose, has yet been done by this government.

The peace of Europe seems about to be settled upon a surer basis than hitherto. I am sorry to have to add that the lamentable proceedings at the South will have signally contributed to that result, by precluding the possibility of any movement in favor of further reform, and, of course, reconciling absolute monarchs, in some degree, to those already made. Let me add, sir, that the message and the proclamation of the President have made a profound impression in Europe, which is unanimous in extolling the wisdom, patriotism and moderation that characterize those papers. It is the universal sentiment that, if our institutions are not predestined to end in early ruin and dishonor, they will be saved by the administration of Gen. Jackson.

I have heard nothing directly from the South, so that I do not know as yet what to think of our prospects. The proceedings of the "Convention" are characterized by a precipitation and recklessness only equalled by that of the Governor who summoned them so hastily to the work of ruin. They have proscribed, trampled upon and outlawed the whole Union party. I am looking with the greatest anxiety for intelligence from my friends. If they think I can be of any use in the scene of action itself, I shall ask leave to return to them. If our cause is hopeless there for the present, I may as well remain here until ulterior events shall enable the government to determine at what post I can render the best service to the country. I have been profoundly afflicted at the posture of affairs at home, but I do not know how it is that my hopes are greatly revived within a few days, and I begin to think that these threatening events have only been permitted as a lesson to us all,—one which I have long expected we should receive, and which may end in infinite good.

I have the honor to be, etc.,

[Signed] H. S. LEGARÉ.

Legation of the United States,
BRUSSELS, APRIL 11TH, 1833.

To the Hon. EDWARD LIVINGSTON, etc.,—

Sir,—Since I had the honor of writing to the department, the affairs of this country have made no progress whatever towards a final settlement, but rather, I should say, the reverse,—M. Dedel has been substituted by the King of Holland to M. Van

Zuylen Van Nyvelt, but it is, I fear, simply a change of men. The negotiations between the new Envoy and Lord Palmerston and M. de Talleyrand have not yet begun,—at least, Sir Robert Adair, though anxiously expecting intelligence upon the subject, got none by his courier yesterday. There seems to be good reason, in the meantime, for believing, that the King of Holland is determined not to agree to any terms that the English and French negotiators would entertain, for a moment; and, indeed, I have been informed, by a person that has correspondents at the Hague, that he still dreams of a restoration Indeed, his capital and, as he thinks it, conclusive argument against the terms offered him by the mediating parties, is that his throne would not be worth the trouble of occupying it on such conditions.* And there may be some truth in that view of the consequences likely to result to Holland, from the emancipation of Belgium and the complete establishment and administration of its government on large and enlightened principles.

But the question for a practical statesman is what remedy is there for the evil: will keeping up an immense military force merely to wait, year after year, for some fortunate turn in the chapter of accidents, while the country is loading itself with debts and taxes, and even hazarding its whole existence as a commercial nation, answer that purpose? The King of Holland seems to have satisfied himself that it will, and as he is said to have his supplies for the year, he is independent of public opinion, if it be not favorable to his policy, for that period, at least. Meanwhile, the situation of Belgium seems to me to be full of difficulty. A debate took place, the other day, relative to the war budget. An amendment was proposed, of which the object was to limit the supplies to be granted for the keeping up the present establishment to six months, with a view to coerce the ministry into the adoption of some decided course, and, at the same time, to enable them to say to the Courts of Paris and London, you must either settle this question within that time, or consent to *our* righting ourselves by open hostilities,—or, in short, guaranty us against any possible invasion of Holland, after we shall have reduced our army. It does, indeed, seem to be a very hard case for a country which is, for the first time, assuming its station as an independent commonwealth, to be compelled to keep up, at an expense most disproportionate to its resources, a military establishment as great as it could possibly maintain if hostilities were actually broken out, when the period of such hostilities is indefinitely postponed by those who control its destinies. This is the more galling, as there is some reason to suspect that the Belgian government is *now* secretly dissatisfied with the Twenty-Four Articles, and has a mind to form (if the

* Remarkably verified in his recent abdication.

thing were possible) a triple alliance with France and England, with a view to secure itself the left bank of the Scheldt and North Brabant, instead of acquiescing in a state of passive neutrality and taking only what the mediating powers are pleased to allot it.

If the reports we hear of Ibrahim Pasha's progress and purposes are to be relied on, the affairs of Turkey, as to which France, and perhaps England, regard with jealousy the sinister interest that Russia is said to manifest towards the Porte, will tend still farther to embroil the politics of the great powers who have made the boasted balance of Europe subservient to their own domination and encroachments, and suffer nothing to be done by any of the minor States that does not promise to promote *their* interests.

All speculations about the chances of war are necessarily very unsatisfactory. Appearances for the last four months have certainly been very much against the probability of such an event; but, in spite of the reluctance evidently felt by the Northern crowns to support the pretensions of the King of Holland openly, I should not be surprised if his obstinacy were yet so far successful as to bring on serious difficulties, if not an open rupture, between the despotic Courts and England and France. I think the peace of the continent, as I had the honor of intimating on a former occasion, is in much less danger now than it was some months ago, not only because the new administration in France, and the Whigs of England, have proved themselves, since the opening of their respective assemblies, much more powerful at home than was generally supposed last summer, but also because of the policy adopted by those governments, which has been any thing but *revolutionary*. Recent events, too, have thrown discredit upon the pretensions of the elder branch of the house of Bourbon, and tended to reconcile many, who have been hitherto well disposed to it, to the new regime.

In the *Moniteur* of to-day, (2d April,) which is herewith transmitted, you will see a very clear, precise and condensed *exposé* of the state of the military service here, made by Baron Evain, Minister Director of the War Department. You will there see the absolute necessity the administration are under of keeping up their present establishment, until the mediating powers shall think proper to take upon themselves the responsibility of coercing Holland into compliance by more efficacious measures, or shall at least guaranty to Belgium the undisturbed possession of her independence and neutrality, at their own risk and expense. On this part of the subject, it is sufficient to observe that a serious difficulty has already arisen between the French government and this, touching the expenses of the two expeditions of the French army in '31 and '32. In settling the

new public law of Europe, by which the monopoly of war seems likely to be secured to the Great Powers in their quality of *Armed Judges*, it becomes necessary to regulate the important matter of *costs*. The notion was accordingly broached in the French Chamber of Deputies that Holland had justly incurred the *pœna temerè litigantium*, and that an indemnity against the expenses of those expeditions ought to be reserved out of the debt or part of the debt to which Belgium is made liable by the Twenty-Four Articles. This is a novel and curious question in this new *jus belli et pacis*. Under the old law of *force*, it was a very simple plan to make the weaker party add this to its other sacrifices; but how will that apply to a case like the siege of Antwerp, which is not an *act of war?*

Some time ago, in conversation with Sir R. Adair, he mentioned to me that you had negotiated a treaty with Baron Behr, which had alarmed the government here, as I could plainly perceive it had given umbrage to him. He began by asking me if I knew him, and then proceeded to say that "the Yankees had been too many for him in a recent negotiation." I replied that there was always a great deal of ability in the public service of the United States. "No doubt of that," said he, "and our government ought to be careful whom they send to Washington." But what have they been persuading the young diplomatist to do? said I. "Oh!" he replied, "to consent that *free bottoms should make free goods*, and I don't know what all besides: the ministers here are all alarmed and disavow the having granted any such powers," etc. I could see that the inveterate commercial jealousy of England was awakened, and that my estimable and respected friend (for I owe him many kind offices) had been protesting against some supposed encroachment on the sacred province of the English law of prize. However, I have since heard that no such treaty has been negotiated. You know best. I thought the conversation characteristic enough to be worth repeating.

I have the honor to be, etc.,

[Signed] H. S. LEGARÉ.

From Mr. Livingston to Mr. Legaré.

Department of State,
WASHINGTON, 13TH MARCH, '33.

HUGH S. LEGARE, Esq., Chargé d'Affaires U. S.,—

Sir,—A variety of urgent business, during the session of Congress, has prevented my acknowledging your several very interesting despatches up to No. 11, and what must appear more extraordinary to you, has not given me leisure to transmit to

you a treaty of navigation concluded here with the Belgian minister, and ratified by the Senate. As it contains no articles on which any difficulty was likely to arise, no particular instructions seemed necessary to urge its ratification at Brussels, the notice of it was deferred from time to time to make way for more pressing business. A copy, which I expected from the Senate, not being yet prepared, will be enclosed to you by the next Havre packet. I now write in some haste, and have only to add the expression of entire approbation, both of the President and this department, of the punctuality and ability with which you have discharged the duties of your mission.

The situation of our diplomatic agents abroad has not been unattended to, as you will see by the enclosed report.

I am, sir, with great respect, etc.,

[Signed] EDW. LIVINGSTON.

P. S. Since writing the above despatch, a copy of the recent treaty with Belgium has been made and is forwarded herewith.

Legation of the United States,
BRUSSELS, MAY 27TH, 1833.

To the Hon. EDWARD LIVINGSTON, etc.,—

Sir,—Since I had the honor of writing to you, a preliminary treaty has been signed at London between the King of Holland and the two great powers. Its principal provisions, as you will perceive, (for it is published in all the journals,) are an indefinite armistice, the provisional liberty of the Scheldt until a definite settlement of the controversy, and the application to the Meuse of the tariff established by the treaty of Mentz. On the other hand, Holland gains immediately the following advantages: the raising of the embargo, the liberation of the prisoners made at the taking of the citadel of Antwerp, and the restoring of the relations between the parties to the footing on which they stood before the expedition of the French last November. This result was, no doubt, brought about by a *note* of the three northern powers which was sent in a few days after I wrote you my last, and the adjustment of the Turkish controversy, which at one time seemed to wear a threatening aspect. Still, the negotiation remains open, and it is hardly to be expected that the King of Holland will so far depart from all the analogy of his conduct and character, (for he is essentially litigious,) as to bring it with any unnecessary speed to a close.

I mentioned, in my last, that I had said nothing officially, and that nothing had been said to me, about the treaty negotiated by the Belgian envoy at Washington. This unaccountable silence,

taken in connection with what I told you in a former letter that Sir Robert Adair had said to me on the subject, led me almost to entertain a suspicion that this government did not mean to ratify it without some modification,—favorable as the terms of neutrality are to so weak a maritime power as Belgium. But the mystery has been since explained. The minister of foreign affairs called on me the other day and asked me if I had a copy of the treaty, begging me, if I had one, to let him have it, as that sent by M. Behr had not come to hand. I, of course, complied with the request, and, a day or two after, at Court, the king said to me *en passant*, with a smile, "We have made a fine treaty, as its conditions are quite agreeable to the neutrality which is a principle of *our* existence." In this connection I ought to mention that the admitting of linen, etc., into the United States, duty free, by the new tariff, has given *immense* satisfaction here, fully *one-third* of the manufacturing industry of the country (I am informed) being employed about those particular products, and the separation from Holland having deprived it, hitherto, of all its markets, and produced the greatest possible distress.

I have the honor to be, etc.,

[Signed] H. S. LEGARÉ.

Legation of the United States,
BRUSSELS, 2D JULY, 1833.

To the Hon. LOUIS MCLANE,
Secretary of State of the United States,—

Sir,—Permit me to begin my official correspondence with you, by congratulating you and the country upon the choice which the President has made in you of one in every respect worthy to be the successor of Mr. Livingston, and pre-eminently qualified for the first department of the administration. I had the honor, in my last despatch, of stating to the government that a preliminary treaty had been signed between France and England on the one part, and Holland on the other. Since that time nothing decisive has occurred, but there is every reason to expect as speedy a termination of the controversy as is consistent with the dilatory habits and litigious character of the King of Holland. The English minister, Sir Robert Adair, tells me there is very little doubt but that an Austrian ambassador will soon arrive at Brussels. You will at once perceive all the importance of such an event. The *Exequatur* of Mr. Marck has been obtained and transmitted to him.

I have the honor to be, etc., etc.,

[Signed] H. S. LEGARÉ.

Legation of the United States,
BRUSSELS, 2D JULY, 1833.

To the Hon. LOUIS MCLANE,
Secretary of State of the United States,—

Sir,—Since I had the honor of writing to you, I have received your letter of notification announcing your having entered upon the duties of the Department of State, a fact of which I had not been officially advertised when I ventured to offer you my congratulations upon it.

The negotiations of the conference have not made the progress which was expected, but neither do the difficulties that embarrass them arise from the quarter where they were principally apprehended. The conference is come to a stand, because the Belgian ministry will not consent to allow Holland to levy any duty on the Scheldt that shall exceed *one* per cent. per ton of merchandise,—at least, without adequate compensation for any concession beyond that amount. In this pretension they found themselves upon Lord Palmerston's *theme*, as one of the abortive projects of reconciliation offered to the parties litigant, last summer, was called. The compensation they claim is a reduction of the debt, or part of the debt, for the payment of which Belgium was made responsible by the treaty of Nov., '31, commonly known as the Twenty-Four Articles. It is difficult to imagine that the five powers, after having done so much to preserve the peace of Europe and made concessions to the spirit of revolution, of which I am quite sure they all repent now, with the exception, *perhaps*, of France, will suffer themselves to be thwarted by the forwardness of the very party to whom they have already sacrificed so much, and that so reluctantly, (I speak here *their* language). The Belgian ministry think they play a sure game, as the preliminary treaty is better than any *definitive* arrangement they can expect,—and their wish would no doubt be to prolong indefinitely so advantageous a *status quo*. But, after the siege of Antwerp and the blockade, it is hardly to be expected that the *officious* powers will shrink from coercive measures in regard to the other party to the controversy, which, *beyond all doubt*, owes its present existence *as a party* to what *they have done*, if not to what they are now doing.

The interference of France, after the disastrous affair at Louvain, in 1831, saved the throne of Leopold; and I do not know any thing but the throne of Leopold, identified as he is by marriage with the destinies of the reigning family of the Bourbons, that presents a very serious obstacle to the partition of this country, which, *I believe*, has been all along in M. de Talleyrand's eye, though I do not *assert* that it has. The recent birth of a prince has certainly done much to consolidate the new State.

Absolutely the only appearance of popular enthusiasm, I have observed since my residence here, took place at the ceremony of the baptism, which was performed on the 8th inst., in the cathedral of this city, with great solemnity, by the Archbishop of Mechlin himself. This child, thus laid by a *Protestant* father, as a peace-offering, upon the altar of the church, seems to have won the heart of a country more exclusively under the influence of religious feelings than any other in Christendom. Undebauched by the atheistical contamination of France during so many years of temptation, the Belgians are as good Catholics now as they were before Luther preached, and nothing but an inexplicable apathy in political matters, which prevents more than half the whole number of electors from now approaching the polls, prevents their spiritual leaders from doing just as they please there. The consequence, however, of this apathy is, that the *liberals*, as the opposition call themselves, send to the chamber of representatives a bold, noisy and persevering minority, which, without being able to carry any measure of its own, embarrasses and alarms an inexperienced ministry, by incessant fault-finding, to such a degree, that it may be almost said indirectly to govern the country. This party has been all along urging the government to slip its leading-strings and to right itself by itself, even at the risk of having to tilt against all Europe. It seems to me easy enough to foresee the immediate result of this Quixotic policy, should it be adopted, if not all its consequences. The question would soon be whether France should have this barrier of the Rhine; but I am very sure no Belgian plenipotentiary would assist at the future congress by which the question would be settled, whether affirmatively or otherwise.

A very superficial glance at the present temper and situation of Europe will, I think, be enough to satisfy an impartial spectator that its policy is peace, and peace not sought in the spirit of peace, but (paradoxical as it may be) of a deep and settled hostility. Undoubtedly, there is no example of a dynasty more thoroughly detested by men who differ in every thing else, than that of Louis Philippe. The republican party in France, which might have prevented his being a king, but chose rather to give him the *name*, as they fondly thought, without the power, have been disappointed in what a little reflection might have taught them were most extravagant and even contradictory expectations. To hope to govern France and Frenchmen without a strong executive,—call the government what you will and organize it as you may,—is the greatest of all practical absurdities, and I own I am at a loss to see wherein consists that glaring breach of promise and departure from principle of which the present administration in that country is accused. Be that as it

may, however, the democratic or revolutionary party there and all over Europe looks upon the king as an apostate from all his professions, while the despotic courts and their dependents, on the other hand, would declare a war of extermination against him, if they durst, for an apostacy of a different sort. The revolt of Poland no doubt prevented a general conflagration which, at that time, would have been terrific, because it would have sprung out of a struggle for life and death between the principles of legitimacy and revolution. Since that period there has been a reaction in favor of *order*, and even many of the stoutest champions of constitutional government seem to think it more in danger from the despotism of anarchy than from that of thrones. The course of the French government, too, on which every thing in European politics now, more than ever, depends, has been such as to reconcile the conference to its existence, at least so far as to acquiesce in it for the present and wait events, rather than run the risk of exciting the fearful spirit of the revolution again by an ill-timed attack upon the most remarkable of its works. The fear of the liberal party, first, at Paris, and, by its influence there, throughout the rest of Europe, seems to me to be, just now, the great preservative of peace, which is thus, as you perceive, merely an armed neutrality, but for that very reason, perhaps, less likely to be disturbed than if it was only protected by the usual safeguards. It is obvious, however, that such a state of things throws every thing into the hands of the great powers, and makes the independence of the others little more than nominal. It does not suit the five arbiters of Europe to go to war; if a minor power, therefore, insists upon settling a controversy of its own by force of arms, they have only to adopt, in their discretion, measures to make it harmless to themselves, and, perchance, as in the case of Poland, useful. A number of States, in the neighborhood of each other, form a society whether they will it or not. On *our* continent, the community has hitherto been directed by the peaceful expression of the opinions and will of a majority of the States that compose it: in Europe, where sovereignty is more refractory and submits only to the sword, the compulsory confederation is absolutely controlled by a very few of its most powerful members.

I send you copies of the letter of the minister of foreign affairs *ad interim*, notifying to me the birth of a prince, and of my answer. It is the first occasion I have had to express, in a formal manner, what I believe to be the *sentiment* of our people and the principle of its government, and on that account, however brief and casual the communication, I think it proper to submit it to you. I have the honor to be, etc.,

[Signed] H. S. LEGARÉ.

Legation of the United States,
BRUSSELS, 8TH SEPT., 1833.

To the Hon. LOUIS MCLANE,
Secretary of State of the United States—

Sir,—With respect to the treaty you will have received my dispatch No. 17, in which I mention what the king said to me upon that subject incidentally at Court. As many weeks have elapsed, however, I thought it well to lose no time in calling upon the minister of foreign affairs for a definitive answer, the more especially as their not having received their copy of the treaty seemed to me to imply a degree of carelessness, on the part of their envoy, which was hardly excusable. I accordingly addressed to Count F. de Mérode, who, in Gen. Goblet's absence, is charged *ad interim* with the *portfolio* of foreign affairs, the subjoined note:

Mr. Legaré to Count Felix de Mérode, Minister of Foreign Affairs of H. M. the King of the Belgians, *ad interim*.

Legation of the U. S. of America,
BRUSSELS, 26TH AUG., 1833.

The undersigned, Chargé d'Affaires of the United States, has the honor, in compliance with express instructions from his government to that effect, of calling the attention of Count F. de Mérode to the subject of a treaty of amity and navigation, concluded at Washington, on the 23d January last, between Mr. Livingston, Secretary of State of the United States, and Baron Behr, Minister resident of H. M. the King of the Belgians.

The undersigned, by reference to the treaty in question, transmitted to him by the Secretary of State, perceives that the ratification of it by the respective parties are to be exchanged within the present year, and he is, therefore, not surprised that some solicitude is felt by his government to know what steps have been taken here towards the fulfilment of that stipulation. The undersigned is entirely persuaded that the silence of H. M's. minister hitherto upon the subject of this treaty, is owing to any thing but indifference to its objects or a disapprobation of its provisions; and it will give him sincere pleasure to be able to convey that assurance to his government, on the authority of an official communication of H. M's. Minister of Foreign Affairs.

The undersigned avails himself of this opportunity to repeat to Count F. de Mérode the assurances of his distinguished consideration.

[Signed] H. S. LEGARE.

This note having been submitted to the king in council, I received, some days after, the following answer:

Answer of Count F. de Mérode.

Ministére des Affaires Etrangères,
BRUXELLES, 5TH SEPT., 1833.

Monsieur le Chargé d'Affaires,—J'ai en l'honneur de recevoir la communication officielle que vous avez bien voulu m' addresser sous la date du 26 du mois dernier, relativement au traité d'amitié et de navigation

conclu à Washington le 26 Jan. dernier, entre M. Livingston, Sécrétaire d'Etat des Etats Unis, et M. le Baron Behr. Ministre résident de S. M.

Vous n'ignorez pas, M. le Chargé d'Affaires, les circonstances indépendantes de notre volonté, qui ont suivi l'envoi de le document.

L'instrument du traité est parvenu depuis peu de jours seulement au gouvernement du Roi.

Il a été transmis à Bruxelles par M. le Général Goblet qui l'avait recu tout récemment à Londres.

Maintenant son contenu est sousmis à l'examen du Roi. S. M., dont j'ai pris les ordres, désire M. le Chargé d'Affaires, que la résolution finale soit remise antant que possible, à l'epoque on M. le Général Goblet sera de retour à Bruxelles. En me chargeant de vous communiquer ses intentions, elle m'a invité à vous exprimer en même temps le regret qu' elle éprouve de ce nouveau retard.

Agréez, M. le Chargé d'Affaires, l'assurance de la considération la plus distinguée.

[Signé] Le Ministre d'Etat chargé par *intérm* du Portfeuille des Affaires Etrangères,

COMTE FELIX DE MERODE.

I confess I was not satisfied with this answer; and the suspicions which I formerly entertained, but which had been in a good degree removed by the casual conversation I had upon the subject with King Leopold, in May or June, (who had already seen the copy of the treaty sent to me,) were awakened anew. The incident, which I had the honor of mentioning in No. 15, shews that the bare report of such a treaty had given serious umbrage in a certain quarter, and as there is no little want of decision in the councils of this still unsettled government,—which, indeed, cannot be considered as *sui juris* while its destinies are so absolutely controlled by others,—nothing seemed more probable than that the doings of the inexperienced envoy had been disavowed in the manner there mentioned. Why else should there be any hesitation at all in ratifying what, as you justly observe, comes within the very letter of his instructions? I thought it, therefore, expedient to write a short rejoinder to Count F. de Mérode's note, in which, without seeming to entertain the smallest suspicion of any such embarrassment on the part of the government, I should pretty broadly hint that its refusing to ratify would be considered by the President as an event so entirely unlooked for as to require a very full explanation. I accordingly sent, yesterday, the subjoined note:

Legation of the U. S. of America,
BRUSSELS, 7TH SEPT., 1833.

The undersigned, Chargé d'Affaires of the United States of America, has had the honor to receive Count Felix de Mérode's note in answer to his own of the 26th ult.

The undersigned was aware, from a personal communication of Gen. Goblet, that there had been an extraordinary delay in the transmission of the treaty from H. M's. envoy in the United States, and had accordingly

informed his government of the circumstance as soon as it came to his own knowledge. But an interval of many weeks having elapsed since the conversation referred to, he felt it to be his duty to lose no time in complying with the President's instruction that he should address to the Minister of Foreign Affairs the inquiry which he has had the honor to make, and should respectfully but earnestly request the final decision of H. M. upon the subject. The President was the more surprised at this delay because of the pressing manner in which the negotiation was invited and the basis of the treaty (in its present shape) proposed by Baron Behr,—to say nothing of the obviously salutary and equitable principles of public law embodied in it,—did not permit him to doubt that what that minister had done was strictly within his powers and instructions, and would be unhesitatingly ratified by his government.

Under the pleasing persuasion that no serious impediment stands in the way of a result, at least as desirable to Belgium as to the United States, whose rapidly growing power might tempt them to enlarge rather than restrain the rights of belligerents, if they did not think it the true interest of nations to sacrifice advantages of that sort to principles more conducive to their lasting peace and well-being,—the undersigned cheerfully acquiesces in H. M's. desire that the conclusion of the business be postponed until Gen. Goblet's return. He, at the same time, takes the liberty to state that it is extremely desirable he should be able to communicate the result to his government before the middle of October.

The undersigned avails himself of this opportunity, etc.

[Signed] H. S. LEGARE.

And there the matter rests for the present; but, as I dine at Court to-day, and shall not send this dispatch until Tuesday, I may possibly gather some information on the subject in the meantime, and will, of course, communicate it to you.

With respect to Gen. Goblet's absence, it is as undefinable, I suppose, as the business which occasions it. He is joined with Mr. Van de Weyer in the commission for negotiating with the conference at London. When those negotiations are to end, or even how, is as far from being ascertained now as ever; and I thought it necessary, on that account, to limit the delay to a month. As to the treaty being but just the other day submitted to H. M's. consideration, I happen to know that it is only a diplomatic pretext,—Gen. Goblet having, as I mentioned to your predecessor, borrowed my copy of it as long ago as the 20th of May, with a view to the *concocting* of the speech from the throne at the opening of the present session. And, by the way, it deserves mentioning that even this advantage did not prevent their committing themselves most grossly before the world, by representing, in that speech, the reduction of our tariff on linen goods as obtained by the address of their envoy, and made a stipulation in this very treaty!

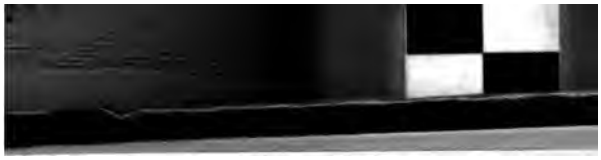
I personally like the ministry here, especially Gen. Goblet, and I do not think that, upon the whole, the king could better himself by a change, but their total want of experience and knowledge in public affairs, and of the self-reliance which springs from a consciousness of these qualities, exposes them daily to

many difficulties, which they fall into in endeavoring to avoid others not half so serious. They have yet to learn how essential courage is to true political prudence.

10 o'clock, P. M.

It was even as I suspected. At Court, this evening, I took occasion to mention the subject to M. Lebeau, prime minister, who told me the only difficulty was as to a particular article, (he did not know which,) which would, it was feared, prove offensive to England. I replied I supposed it was the provision that the flag should protect the cargo,—a principle proclaimed by all the great powers of Europe during the American war, and which no nation but one possessed of a decided naval superiority had any interest in questioning or opposing. He reminded me how completely they were in the hands of England, until a definitive treaty were signed. I then expressed myself with the earnestness and candor which our previous communications warranted, declaring that a refusal to ratify a treaty of such a character, concluded in such a manner, would, under any circumstances, be highly offensive, but most especially would it be so if justified by no better reason than the displeasure which a third power might choose to conceive at an agreement between two others with which it could have nothing to do. That Great Britain should affect, as she had done in the war of '56 and after the rupture of the peace of Amiens, to interpolate new rules into the law of nations, was a piece of arrogance not to be borne; but that she should interfere with arrangements by which two independent nations were endeavoring to prevent all future causes of misunderstanding, by mutually renouncing the exercise of an inconvenient right, (if right it is,) was going a great deal farther, and assuming a tyrannical dictatorship, to which no people that had the least idea of what the words *national independence mean* could think of submitting for a moment. He told me he would turn the matter in his mind, and speak with me farther about it in the course of a few days.

You may depend upon my doing all I can to awaken the ministry here to a sense of the degradation, in the eyes of the world, which will be the consequence to Belgium of the acquiescing in that extravagant and insolent pretension of Great Britain,—convinced that in doing so I shall be giving a counsel in which she is, in every possible point of view, more interested than the United States. It is now very clear what is meant by waiting until Gen. Goblet's return. He will not return until a definitive treaty with Holland be signed, and then the ministry of King Leopold will probably ratify yours,—having nothing more either to fear or hope from Great Britain. In the meantime, to provide against all contingencies, you will do me the



favor to instruct me what course is to be pursued, should it be proposed to omit the article referred to or to modify the treaty in any other way.

I have the honor to be, etc.,

[Signed] H. S. LEGARÉ.

Legation of the United States,
BRUSSELS, 9TH OCT, 1833.

To the Hon. LOUIS MCLANE, etc.,—

Sir,—With this dispatch I also send copies* of some notes that have passed between this legation and the department of foreign affairs. The first two are on a mere matter of etiquette, to which I attach importance only because, and so far forth as, it is considered as important by European States. In that point of view, the relative dignity of the United States may be involved in a compliment paid or refused, and, where that is the case, I would cavil about the ninth part of a hair.

Gen. Goblet, in consequence of the suspension of the conference at London, being returned to Brussels, I called on him immediately in order to come to some understanding with him on the subject of the *treaty*. He was not at the hotel of his department on Saturday, when I made him my first visit, but I saw there and had a long and rather remarkable conversation with

* Count F. de Mérode to Mr. Legaré.

BRUXELLES, LE 24 JUILLET, 1833.

Monsieur le Chargé d'Affaires,—Je m' empresse de vous informer de l'heureuse délivrance de sa Majesté la Reine qui a donné le jour à un Prince.

Je suis persuadé, M. le Chargé d'Affaires, que le gouvernement des Etats Unis ne saurait être indifférent à l'événement dont j'ai l'honneur de vous faire part, parce qu'il est de nature à consolider le nouvel état Belge.

Agréez, M. le Chargé d'Affaires, l'assurance, etc.

Le Ministre d'Etat chargé par interim, etc.,
COMTE FELIX DE MERODE.

A M. Legaré, etc., etc.

Mr. Legaré's answer.

Legation des Etats Unis d'Amérique,
BRUXELLES, LE 25 JUILLET, 1833.

Monsieur le Comte,—J'ai eu l'honneur de recevoir la note par laquelle vous m' avons fait part de l'heureuse délivrance de S. M. la Reine.

J'ose vous assurer, M. le Comte, que le plaisir sensible que m'a fait un évènement aussi touchant et dont la tendance à consolider les institutions, que le peuple Belge vient d'établir avec autant de sagesse que de bonheur, est si importante, ne manquera pas de trouver de l'echo parmi le peuple Américain, qui, sans se mêler jamais des affaires intérieures des pays étrangers, ne laisse pas de s'intéresser vivement au sort de tous les gouvernments constitutionnels quelque soit d'ailleurs leur catégorie politique.

Je vous prie, M. le Comte, d'agréer l'assurance etc.

Le Chargé d'Affaires des Etats Unis d'Amérique,
(Signé) H. S. LEGARE.

the Secretary-General (a sort of head clerk, I believe) of the department, M. Nothomb, author of the Essay on the Belgian Revolution, which I have sent you, who is considered as a young man of great promise, and, especially, as better versed in the diplomatic relations of his government than any other of their public men. He is, besides, a leading member of the Chamber of Representatives. I characterize him thus particularly for reasons that will be obvious in the sequel. After apologising for the absence of Gen. Goblet, he entered into conversation with me on the subject of the treaty, in the course of which he gave me very clearly to understand that the government here is in the most pitiable embarrassment imaginable, between the irrevocable act of its envoy at Washington on the one hand, and the high displeasure of England on the other. I told you in my last that M. Lebeau, the virtual, if not the titular head of the ministry here, had confessed as much, but he did so in very general terms. M. Nothomb, on the contrary, dwelt and in detail upon the precipitancy of Behr, and let out some things that made me think more seriously of the whole affair than I had been disposed to do at first. Thus, he pointed out what he considered as the flagrant inconsistency of his signing such a definition of blockade at Washington, at the very time that the combined fleets of England and France were violating the principles embraced in it, avowedly and solely for the benefit of Belgium. I could not help observing to him that I had not before been led to think that the blockade last winter was a mere blockade by proclamation, and said, if that *were* the *fact*, it did, indeed, seem a little ungracious in Belgium to be denouncing by implication, at least, the very means by which she was profiting, although, as the arbitrating powers had taken the whole matter into their own hands, she could not strictly be held responsible for the character or the use of those means. As to that he thought differently,—repeated that the blockade was merely constructive, (fictif,)—and seemed so deeply to deplore the ill-advised forwardness of the envoy, that I began to think they were going seriously to maintain the principle of which they had found the first fruits so very palatable. I had not been before aware that any objection to the treaty had been taken by the English government on that ground, which really appeared to me too clear for controversy, but it occurred to me now that England might choose to avail herself of the immense ascendant, which the present situation of the Continent, and especially her close alliance with France, have given her, to indemnify herself for any trouble or expense she may be put to for defending the liberties of mankind on *terra firma*, by narrowing them down as much as possible at sea. I seriously assure you that I am very much impressed with the gravity of the subject in this point of view.

I should not, from the success of this first experiment, be at all surprised to find her law of prize gain ground *pari passu* with the triumph of constitutional principles on the continent. France and England are arbiters of this part of Europe under existing circumstances. They abandon the North to the three other powers, but every thing on this side the Alps and the Rhine seems, for the present, to be given up to them, and to divide between themselves the land and the sea may be the most efficacious as the most simple means of perpetuating that good understanding by which they rule so absolutely.

To talk of the independence of these minor powers, under existing circumstances, is to be guilty of the grossest abuse of terms. I told M. Nothomb as much, and hinted darkly that the world might begin to ask what was gained for the dignity of human nature by establishing nations that, after all, could never be *sui juris*. He replied to this that he felt all the force of the remark, and knew what denunciations they must be prepared to meet with for this (as it appears to me) deplorable but inevitable subserviency. He mentioned to me some things which showed how much the subject of discussion, or rather of indignant reprobation, the exercising even of so much free will, as is implied in concluding a treaty so perfectly innocent, had been at London. Some member of the House of Commons, for instance, asked Lord Palmerston whether Holland, meaning Belgium, had not negotiated a treaty with the United States on principles inconsistent with the maritime pretensions of Great Britain. The blunder of this bungling politician enabled the secretary to get out of the difficulty by a simple negative; but, while he congratulated himself and the *cause* on the lucky escape, he seems to have given that government to understand how much displeased he was at having been exposed to the peril, and how necessary it was that they should save him, forever, from the recurrence of it. I must add, while on this topic, that the information, I mentioned that Sir Robert Adair had received, of what had been done at Washington, *long* before I had heard any thing about it, came, says M. Nothomb, through Mr. Bankhead,—a fact which shews the necessity of greater discretion in our diplomatic affairs. M. Nothomb told me the minister would receive me on Monday, at 12, (I send a copy of the note in which he formally announced it afterwards,) and, in the meantime, begged me to consider how a request to prolong the term allowed for an exchange of ratifications would be received at Washington. I replied that, in the very embarrassing situation of this country, if its ministry thought it consistent with what they owed to its rights and its honor to make that request,—especially considering the accidental delay in the transmission of their copy of the treaty,—I was disposed to think, though I had no sort of author-

ity for saying so, that the proposal might possibly be received with indulgence.

On Monday, I called at 12, according to appointment, and was received by General Goblet, who began by telling me, in a very positive manner, that they had determined to apply to you for a prolongation of the term. I replied that, if that were their determination, I had nothing more to say upon the subject,—my instructions being only to urge the immediate ratification; but I would take the liberty of stating, with great frankness, my views, as well as those I believed my government to entertain in relation to the several points in question,—beginning, as I had done with M. Nothomb, by drawing a wide distinction between the declining to negotiate any treaty at all, and the refusing to ratify one already concluded, in compliance with explicit instructions, and at the pressing instance of the very party so refusing, especially if there be ground to suspect that its conduct had been influenced by respect for a third power. Upon this being so broadly intimated, (for both M. Lebeau and M. Nothomb had confessed the fact of such influence having been attempted to be used, with all the *naïveté* in the world,) he assured me I was quite mistaken,—that they had no idea of maintaining the legality of constructive blockades,—that their objections to the treaty were that it was, on the one hand, incomplete in some of its practical provisions, while, on the other, it dealt too profusely in vague generalities, which, being already a part of the common law, it was superfluous and even worse to insert into a convention of the kind, etc., etc. I saw that Gen. G., like a more wary diplomatist, was rather shocked at the unguarded confessions of his colleagues, and would fain remove the impression they might have made upon me. I thought it as well to let him have his way in that respect, while I proceeded to shew that, whatever *he* or I might think of a declaratory treaty, the matter of fact was that in all those, with hardly an exception, into which the United States have hitherto entered with other nations, precisely such articles as those so much censured in the one in question are to be found. I thereupon handed him a list of references to them as they are published in Elliot's Diplomatic Code, which I had previously sent to his office. To shew him the light in which you regarded, and had good reason to regard, their hesitation to ratify, I sent him a great part of your last letter to me on the subject, and *especially* the extract from his instructions which Baron Behr was so unguarded as to show to Mr. Livingston. I dwelt very much upon the disinterested conduct of the United States in this whole matter of maritime warfare, in which, although we might promise ourselves as rich a harvest of spoils as any other nation, and more than any but England, it had been our systematic and unceasing effort to abolish those barbarous

practices, which had been long ago exploded on land, and which were a reproach to so civilized an era. He seemed to think we should never succeed in persuading any great maritime power to adopt principles which would deprive it of its chief, if not only reward, the plunder of its adversaries; but promised I should hear from him before Friday, (day after to-morrow,) when I told him I should send off my dispatch, and wished to be able to communicate something precise and definitive to you. In the course of the evening I reflected much upon the whole subject, and, although still continuing to regard it as involving far more the interest and credit of this government than of my own, I came to the conclusion that it was too important an occasion (especially considering the obvious instrumentality of England in preventing the completion of an arrangement between two friendly States, to which not a single reasonable objection can be made) for mere verbal communications such as I had held with the several ministers. I therefore sat down and committed to writing the following remarks, which I transmitted to the department of foreign affairs this morning. (The two first paragraphs relate, as you will perceive, to other matters.)

Mr. Legaré to Gen. Goblet.

Legation of the United States of America,
BRUSSELS, 8TH OCT., 1833.

The undersigned, Chargé d'Affaires of the United States of America, has the honor to acknowledge the receipt of Gen. Goblet's letter of notification on resuming the duties of the Department of Foreign Affairs, and begs to assure him that the pleasure he has been so kind as to express at the renewal of their official relations is most sincerely reciprocated.

The undersigned avails himself of this opportunity to call the attention of Gen. Goblet to a note—relative to a claim of an American captain, whose ship was stranded in a recent gale on the coast near Ostend, to be exempted from duties for the articles saved from destruction and sold for the benefit of the owners—which was addressed by the undersigned to Count Felix de Mérode the day before Gen. Goblet's return to Brussels was announced in the newspapers. All the information possessed by the undersigned upon the subject having been communicated in that note and the accompanying documents, the undersigned craves leave to refer Gen. Goblet to them, and to request him, as a special favor to himself, to let him know the result of the application as soon as may be consistent with the forms of office and the nature of the case. The unfortunate claimant, who is living, out of employment, upon the little he has saved, does not feel at liberty to return to his country without being able to justify himself, should he, contrary to what he says is the law and the usage of Belgium, be compelled to pay the duties in question, by producing an express decision of the government to that effect.

The undersigned begs leave, also, to be permitted to say a few words on the interesting subject of the conversation he had the honor of holding yesterday with Gen. Goblet. Having since reflected much and seriously upon its importance, he feels it to be his duty, before this government has taken any irrevocable step in the matter, to submit, in writing, a very summary statement of his views in regard to it.

And, in the first place, he would remind Gen. Goblet of the manner in which the negotiation was invited by this government,—of the instructions given to its plenipotentiary,—and of the conduct of that minister in urging the consummation of a work, which it seemed to be the principal object of his mission to accomplish, by at once proposing a *projet* differing in no essential particular from the treaty finally agreed on, and (that the American government might understand that by rejecting any of its provisions it would be disappointing the expectations of a friendly State) by communicating to the Secretary of State an extract from the instructions of M's. then Minister of Foreign Affairs, so explicit as to leave no room for doubt but that the *projet* so offered was within their spirit and even the very letter. It is true that the right of declining to ratify was, as usual, reserved, but the undersigned trusts he will be excused for justifying, in anticipation, the impression which, he fears, will be made at Washington by the unexpected exercise of that right in the present instance, by citing a venerable authority to shew "that to refuse with honor to ratify what has been concluded on by virtue of a full power it is necessary that the sovereign should have strong and solid reasons, and that he should, especially be able to prove that his minister has deviated from his instructions. Cases might easily be put in which such a refusal would be accompanied with irreparable harm to the other party, and would, therefore, amount to a flagrant violation of justice. That the case in question is not such one does not in the least affect the right or the duty of the undersigned to enter a protest against the principles involved in it, and to assure General Goblet that should the proposal (which he yesterday declared his intention to make to the President through Baron Behr) to prolong the term limited for the exchange of ratifications be acceded to by the government of the United States, it will be a most striking proof of its moderation as well as of the lively interest which the American people feel in the welfare of a free State just admitted into the family of nations, and still struggling with the difficulties of a position not definitively ascertained.

The undersigned had the honor, in the conversation alluded to, to state the views of his government as to the two great principles of public law embodied in the treaty, about which alone there seems to be any hesitation on the part of this government. It is, therefore, unnecessary for him to do more, in the present communication, than barely to repeat the observation that, although both of them are equally demanded by the advanced civilization of the times, yet, as mere points of doctrine, they stand upon very different grounds. The principle that "free ships make free goods", may be still subject to controversy, although all the great powers of the European continent, so late as half a century ago, recognized and declared it to be a settled maxim of the law of nations; and the undersigned shewed, in his conversation with Gen. Goblet, by reference to a collection of the treaties heretofore entered into by the United States, that, with a solitary exception or two, this rule has been adopted in all of them. When, therefore, a proposal to the same effect was made by the Belgian envoy, in conformity with express instructions from his government, the President had the greater pleasure in complying, as he thought, with the wishes of the friendly power inviting the negotiation, because, in doing so, he was only conforming to the uniform practice of our country. But, with regard to the definition of blockade, the undersigned emphatically repeats what he had the honor of saying yesterday, that the American government considers the Law of Nations as perfectly clear on that point, and that, having already, in defence of the incontestable rights of neutrality, waged war with the greatest maritime power in the world, the undersigned is fully persuaded that it never will, be the sacrifice what it may, consent to

any arrangement by which its unalterable adherence to those principles may be, either directly or indirectly, drawn into question.

The undersigned felt it incumbent upon him, under the circumstances of a case which he considers as a very grave one, to submit this representation to the Minister, with a view, if not of altering his expressed determination, at least of preparing him for the impression which the announcement of it will probably make at Washington. He does not dissemble, at the same time, that he is sincerely desirous of seeing the matter brought to an amicable settlement, and has no doubt but that his government will do all it can do, without compromising its rights and its dignity, to make that settlement as agreeable as possible to His Majesty's government, convinced that, in doing so, it will be consulting the interests of Belgium at least as much as its own, and strengthening the claims of justice by the generosity of its conduct.

The undersigned begs Gen. Goblet to accept the assurance of his high consideration.

[Signed] H. S. LEGARE.

You will have remarked that I speak, in the preceding note, only of *two* points of public law. My reason for doing so was that no other had been mentioned in our conversations, but I have no doubt their objections go to what is agreed to in relation to contraband and the trade on the coasts or with the colonies of belligerents, as well as to those points, because England is just as jealous about her rule of 56 as about any other of her maritime pretensions, and to know what the Belgian government thinks, it seems, you must ask what Lord Palmerston would have to say in the House of Commons. I ought to add that Gen. Goblet mentioned we had failed in our attempt to insert these same provisions into our recent treaty with Russia. I was obliged to answer that I could not undertake to contradict, however I might doubt the accuracy of what he said, not having seen the treaty,—a notable example, permit me to remark, of a very great and prevailing defect in our diplomatic communications, which I have had more than one occasion to lament in my own experience. * * * * *

To return to the treaty,—I have to remark, in conclusion, that deeply interested as I am in the success of a revolution which has unquestionably done much to shake the confidence of the autocrats who, trampling into the dust the far greater part of Europe, are still threatening the rest of it, I cannot shut my eyes to the fact, demonstrated by every thing I have seen and heard here in the last twelve-months, but especially by recent events, that it was brought about without the consent, or at least co-operation, of the classes that have the greatest influence in Belgium. The clergy might seem to be an exception, but really are not, for (as one of them, a member of the Chamber of Representatives, on my asking him what their agency in that event had been, remarked to me) they did not *make*, but having found it made they have hitherto preserved it. I have not time to illus-

trate his equally just and pregnant observation here, but assuming it for the present, I proceed to observe that the consequence of the fact above stated is, if I may be allowed the expression, a total distrust of every body in every thing. I was led, at first, to think the Orange party a very small and contemptible faction. I am satisfied now that I greatly underrated its importance in every point of view, and especially as to the influence of capital and that sort of connection between lord and vassal, or rather patron and client, which has been less dissolved in these provinces than in any part of Europe that was much exposed to the operation of the revolutionary *régime* of France after '93. This party, like the King of Holland himself, make up in implacable vindictiveness and dogged obstinacy what they want in strength, or wanted in activity, courage and skill in 1830,—and they are encouraged to do and to say the most extraordinary things, by the apathy of the rest of the people and the consequent weakness of the ministry. These latter, to be sure, are of the liberal party, as it is called, and so have not the confidence of the Catholic leaders, whose support is, nevertheless, absolutely essential to them. And thus it is that, openly opposed by the bulk of landed proprietors, the merchants, manufacturers and other capitalists,—but feebly supported by the great body of the clergy and its adherents,—and, with a question involving even the existence of the government still unsettled, and depending for a settlement absolutely upon the kind offices, or rather the powerful intervention of England and France, no administration ever found itself in so precarious and embarrassing a situation, and, with the best intentions (as I really believe) in the world, it is compelled to do things for which nothing but a want of free agency can furnish a sufficient excuse.

The admirable good sense and firm character of the king, together with such connections in Europe as made him the only *possible* choice of the Belgians, will *probably* triumph at last over all the difficulties of his position; but the conduct of his government, meanwhile, will often call for indulgence. I frankly own I should be pleased to see the President extend it to the very extraordinary case under consideration,—without, of course, making any sacrifice of the clear rights or even the just pride of our country. But, of course, the government is the only proper judge how far it is proper, or even possible, to make such a concession.

I have the honor to be, etc.,

[Signed] H. S. LEGARÉ.

Legation of the United States,
BRUSSELS, 11TH FEB., 1834.

To the Hon. LOUIS MCLANE, etc.,—

Sir,—Before I proceed to inform you of what I have done towards the fulfilling of your instructions in regard to the treaty, I beg to be permitted to remark that Baron Behr seems to imagine, from the tenor of Gen. Goblet's correspondence with me or with him, that he had been charged with negligence by the government, through me, for not transmitting their copy of the treaty with more expedition. Whatever I may have thought at the time or expressed in my dispatches to the government, you are aware, from the copies of my letters sent you, that I did nothing more, in my correspondence with the Minister of Foreign Affairs, than express the surprise very naturally excited by their long silence about the existence of the treaty, and call for such an explanation of it as we had an undoubted right to demand. I shall be very much obliged to you, therefore, if you will do me the favor to assure M. Behr that his inference as to any censure, expressed or implied, upon his conduct in that correspondence, is wholly without foundation in any thing that I had written. An equivocal expression in Gen. Goblet's reply to one of my notes, which struck me at the time as wholly gratuitous, was owing, no doubt, to a misinterpretation of my meaning, expressed, as it was, in a language foreign to him.

I lost no time, after receiving your letter, in inviting the government here to the negotiations authorised by your instructions. This I did in a note, of which the following is a copy:

Mr. Legaré to Count Felix de Mérode.

Legation of the United States of America,
BRUSSELS, 13TH JAN., 1834.

The undersigned, Chargé d'Affaires of the United States, has the honor to inform Count F. Mérode that, by a despatch which he has just received from the Secretary of State of the United States, he has been instructed to declare to H. M's. government that, in consequence of the explanations given both by the late Minister of Foreign Affairs and by H. M's. Minister resident at Washington, the President has been pleased to accede to the proposal made by H. M's. government, to extend the term for the ratification on the part of that government of the treaty lately concluded between the two governments, until the 1st July next.

But, as this common purpose of the high contracting parties can now be accomplished only by a separate and independent convention, and Baron Behr has given the American government to understand that he is not furnished with the new powers necessary to the negotiating of such a convention, the undersigned feels the liveliest satisfaction in being able to inform Count Felix de Mérode that he has received from the President a full power to treat upon the subject with any person who shall be duly authorised by H. M's. government to enter into such a stipulation, and that he is ready, on his part, to execute the single and separate article in

question, at what time or place soever H. M's. government may choose to appoint.

The undersigned cannot but flatter himself that the sincere desire, thus manifested by the President to cultivate and strengthen the amicable relations so happily established between the two countries, will be appreciated by H. M's. government, and that the accidental delay, which has occurred in the settlement of this important business, will only have made the conclusion of it the more satisfactory to both parties.

The undersigned, etc.,

[Signed] H. S. LEGARE.

A M. le Comte Felix de Mérode, etc.

Having every reason to believe that the Belgian ministry are disposed to avail themselves of every pretext to defer as long as possible, if not altogether to refuse, the ratification in question, I did not choose, in a note of which the object was merely to invite negotiation, to say any thing of the additional prolongation of the term necessary for the exchange of ratifications. In limiting the delay until the 1st July for their *action* upon the subject, we had given them all they had ventured to ask, and quite as much as they had a right to expect. Some time after I had sent in this note, I had a casual conversation on the subject with M. de Mérode, who told me they had it under consideration, and would probably propose *some modifications.* Thinking it as well to let them state all their objections formally, I did not press him to let me know what they were on that occasion; but, having since received from him no official communication on the subject, and wishing to be able to give you some information of a definite character in this despatch, I thought I might venture to send in the subjoined note, to which I may perhaps have a reply before I send this letter:

Mr. Legaré to Count Felix de Mérode.

Legation of the United States of America,
BRUSSELS, 8TH FEB., 1834.

The undersigned, Chargé d'Affaires of the United States of America, being about to send off despatches to his government, and extremely desirous to inform it, as far as possible, what is likely to be the result of the overture which, in compliance with his instructions, he had the honor of making, in his note of the 13th ult., to the acting Minister of Foreign Affairs, begs to be permitted again to call the attention of Count Felix de Mérode to the subject, for the purpose of requesting that, if it can be done without putting H. M's. government to any unnecessary inconvenience, the undersigned may be informed of the order that has been taken or is likely to be taken by it upon that overture. The undersigned is, at the same time, far from wishing to be understood as either exacting with impatience a precipitate determination on the part of this government, or doubting in the least that its course will ultimately be such as the President has been led to expect, but as the proposal made by him through the undersigned was merely a compliance with the wishes of H. M's. government, communicated in the most explicit manner, both by the late Minister of Foreign Affairs at Brussels and by the Minister Resident of the king at Washing-

ton, he will naturally look for a ready acceptance of it here. The undersigned would, therefore, be most unwilling, if it can be avoided, to announce, without explanation, to the President, that his note of the 13th ult. has not been answered, and thereby, perhaps, give rise to doubts for which, he flatters himself there is no reasonable foundation, and which a word from the official organ of H. M's. government might at once dispel.

The undersigned avails himself, etc.

[Signed] H. S. LEGARE.

To Count F. de Mérode, etc.

In a newspaper, to which I called your attention some time ago in an unofficial letter, you will have read the speech of an opposition member of the House of Representatives, who expressly charges the ministry with being prevented by England from ratifying the treaty. I could not imagine at the time whence *he* had got the information, however ill dissembled and even openly avowed to me the fact had been by some of the ministers themselves, but I have since learned that he had it from the best authority, which I do not feel at liberty to mention. I will only add that, if Gen. Goblet's absence from his office was a sufficient excuse for delaying to ratify last summer, his resignation and the impossibility of definitively supplying his place ought to be as good a one now.

Such is the state of public affairs here, that no man of sufficient weight and character has been found willing to succeed to the post which his appointment to the mission at Berlin leaves vacant. Anticipating the very thing that seems likely to occur, viz: that the government here would not ratify without some modifications, and those touching principles of the greatest possible importance, and as little settled and as much in danger now as when our war was declared in 1812, (with the single exception of impressment, a pretension probably abandoned forever in practice,) I begged to be instructed how to act in that event. Your despatch, however, not contemplating that possibility, confines my power to the execution of a single article, and *that*, (judging from the form of the treaty with Mexico, sent me as a model,) in effect, an adoption of the whole treaty as it stands, and an agreement to ratify it on or before the 1st July. Under these circumstances, I do not feel myself at liberty to deviate, in the least, from this interpretation of your instructions.

I have received a copy of the President's communication to Congress, on the subject of our Consular establishment. I take the liberty of a citizen, zealous for the honor of the country, in expressing the strongest desire to see that *projet* pass into a law. Two things are clear,—1st, that a Consul who is engaged in commerce cannot discharge his duties with the requisite independence and firmness; and, 2d, that Consuls not engaged in commerce (except a few favored ports) cannot live on fees, as the

commercial agents of such a country as ours ought. This subject ought to be again and again pressed upon Congress, until the whole system be changed.

I have the honor to be, etc.,

[Signed] H. S. LEGARÉ.

Legation of the United States,
BRUSSELS, 23D MARCH, 1832.

To the Hon. LOUIS MCLANE,
Secretary of State of the United States,—

Sir,—In my last despatch I sent you copies of two official notes which I had addressed to the Minister of Foreign Affairs, in relation to the power and the instructions I had received from the President to negotiate a separate article for prolonging the term allowed for the ratification of the treaty on the part of this government, up to the 1st of July. No answer had been given me up to the 1st of March, when a casual allusion to the subject, in conversation with Count Felix de Mérode, led to my calling on him immediately for the purpose of having a day appointed for a full and unreserved conference between him and his Secretary General (the M. Nothomb of whom I say so much in my despatch No. 21) and myself. Agreeably to the appointment then made, I went to the Foreign Office the next day about noon, and, after waiting a few moments for the appearance of the minister and his diplomatic adviser, found myself engaged with them both, but especially the latter, (who, I soon found out, was, in truth, the head of the department *quoad hoc*,) in a very animated discussion about the rights of neutrals and belligerents.

Prepared as I was, from my former conversation with M. Nothomb, for any thing but a satisfactory result, it was still impossible that I should not be astonished at the inconceivable extravagancies which he now ventured to advance as settled doctrines of public law. He went far beyond any thing that was ever heard in a British Prize Court, and, instead of justifying the paper blockades of England by the alleged necessity of the case, as Sir Wm. Scott, though half ashamed of the plea, confessed himself reduced to the necessity of doing, this young publicist rested them on what he called the *European* law of nations, and repeatedly contradistinguished from the supposed projects of innovation which he affected to characterise as the American system. You will hardly wonder to be informed that I almost lost my patience at such a display of profound ignorance, coupled with so much confidence and positiveness; and that I told him, until he could produce a single dictum, however loose and casual,

of any jurist or publicist of the least respectability, on the Continent, giving the shadow of countenance to such extraordinary positions, I must be permitted to decline, in the name of my country, the invidious honor he ascribed to her, and request him during the rest of the conversation to borrow an epithet for his own notions from the nation that, without venturing to shock the common sense of mankind by professing them formally herself, in the abstract, seemed disposed to make her weaker neighbors reduce them to practice for her benefit, and so might call them, if he pleased, the "English doctrine." By the request of the Count de Mérode, I had brought with me in my carriage Elliott's collection of American Treaties, for the purpose of shewing him how very usual the stipulations, that seemed so startling here, are in our diplomatic history. Beginning at the beginning, I opened the treaty with France in the course of the revolutionary war, and was proceeding to those with Holland and Prussia, etc., when M. Nothomb, asking the dates and learning them, manifested the greatest impatience, and put in a sweeping objection to all that had been done at the period of the *Armed Neutrality*, of which he had obviously made the acquaintance with a view to this very discussion, and which, in the hurry of a first introduction, he had mistaken for a league to change the law of nations by force, and to defeat or destroy the maritime ascendant of England by curtailing her hitherto admitted belligerent rights. To shew this he read me an extract from Schoell, which imported any thing else, as I observed to him; and, to convince him that the powers which made that memorable declaration regarded it then, and still adhere to it, as an exposition of the law of nations as it stood and now stands, I opened Marten's Guide Diplomatique, and begged him to read the admirable reply addressed, in December, 1800, by Count Bernstoff to Sir W. Drummond, the English Chargé d'Affaires at Copenhagen, who had been instructed by his Court to demand of that of Denmark some explanation as to the nature of its negotiations with Sweden and Russia. The opportunity was too tempting for me not to remark significantly to M. de Mérode that the letter of the Danish minister was, in more respects than one, applicable to the present case, and perfect not only as a model of diplomatic composition, but as an example of statesman-like wisdom and courage.

In the course of this discussion, M. Nothomb let it out that he stood, himself, committed to the doctrine of constructive blockade, in a speech he had made about the time of the coercive measures adopted by England and France against Holland, and he went farther and insisted, as he had done on a former occasion, that Belgium, by profiting, as he alleges that she did, in that instance by that doctrine, was *estopped* from disputing

it. I replied that I considered this government as in no wise responsible for the character of the measures (even admitting them to have been such as he represented them) which were adopted by two powers whose interference was their own act, warranted (if at all) by a law which the conference they represented had dictated to two weaker powers for the benefit of all Europe,—that all that Belgium had done towards it was to call upon those powers to enforce the treaty they had imposed on her, or suffer her to right herself by the sword,—that by undertaking, for great political objects, the former part of this alternative, they had *ipso facto* declared her no party to the proceedings, etc. Pressed in the argument, though apparently as far as ever from being persuaded by it, M. Nothomb at length took the ground that M. Behr had exceeded his powers, and would, therefore, be disavowed, and, if the President demanded it, sacrificed by his government. I told him that was quite a different matter, and that (of course) if he could maintain his assertion, (which I had good reason to doubt,) H. M's. government would be free to do as it pleased. He replied that he should have no difficulty in doing so, and promised, if I would permit him, to call upon me at my house in a few days, and satisfy me, by shewing me the original powers and instructions given to M. Behr, that he was wholly unauthorised to treat with you about those high political questions which he had been in so much haste to settle. The conversation after this took a more free and familiar turn, and I endeavored to press upon them two points, as to which they seemed to me to entertain very erroneous ideas. The first was that the treaty was no *declaration* of principles, as that, for instance, between Prussia and the United States, but a mere arrangement between two friendly nations, as to their own conduct towards each other, in case either of them should become belligerent, *whatever might be their rights and liabilities under the common law of nations.* For this reason, all mankind would be revolted at the arrogance and selfishness of England if she ventured to express her disapprobation of so innocent an act, much less to do any thing revengeful towards Belgium in consequence of it. This, however, did not seem to tranquillize the apprehensions of these gentlemen, who appeared to have good reason for anticipating that their great maritime protector would not scruple to leave them in the lurch in any future emergency, unless she saw her interest in delivering them manifested by something less equivocal than treaties of amity, not censuring precisely, but then not sanctioning either, some of her practices in cases of pressing exigency. The other point was the immense difference between the prudence which avoids the possibility of giving offence, even by an innocent act, to a jealous superior, by abstaining from doing such an act, where no paramount mo-

tive required it to be done, and the timidity which, after it has been done in good faith, shrinks back at the frown of a third power, and, by retracting or disavowing what it had a clear right to do, confesses, before all mankind, that it has no right to do any thing but what shall be agreeable to an officious and domineering neighbor. M. de Mérode dropped something about the difficulties of their situation, (which I am not disposed to underrate,) and that if all were over and peace and confidence established, it might be different, etc.

The conference took place on the 3d inst. The next evening I happened to meet with M. de Mérode at a party at the Count de Latour Maubourg's, (the French ambassador's,) and was rallying him about M. Nothomb's discoveries in the law of nations, when M. de Latour Maubourg himself coming up, and hearing what was the subject of our conversation, took part in it and joined me heartily in ridiculing the paper blockades of England as a system, for which he cited the recent case of her resistance to Don Miguel's attempt to shut up the Tagus, to shew how little respect she herself in reality entertained for it. He added, however, pleasantly, that he could not wonder at Belgium being inclined to favor the right of instituting the only sort of blockades that it would, in all probability, ever be in her power to impose. I was glad to hear *him* speak thus.

Not having received, within a reasonable time, the promised visit of M. Nothomb, and, at the same time, wishing to shew them at once the whole strength of the position they had undertaken to assail, I sent in the following note, with an extract from your despatch No. 5 accompanying it:

Mr. Legaré to Count F. de Mérode.

Legation of the United States of America,
BRUSSELS, 20TH MARCH, 1834.

Sir,—Having waited, not without some solicitude, during a period of nearly three weeks, for the visit with which, in the conversation I had the honor of holding with you and M. Nothomb at the hotel of your department, you promised I should be speedily favored by the Secretary General, for the purpose, among other things, of shewing me wherein M. Behr had transcended his powers in his negotiation with Mr. Livingston, and not having hitherto been fortunate enough to hear from M. Nothomb on the subject, I am led to suppose that you have altogether abandoned that intention, and the rather because I have good reason to think that the fulfilment of it would have been found, upon experiment, more difficult than you seemed to anticipate. Under this impression, I take the liberty of again calling your attention, in a formal manner, to the overture made to you in my letter of the 13th January, and requesting that you will, as soon as possible, consistently with your perfect convenience, do me the honor of communicating to me the purposes of His Majesty's government in regard to it.

You will, I am very sure, sir, pardon whatever of impatience may seem to be betrayed by me in thus pressing for a distinct and definitive answer,

when I remind you that it is now more than two months since I received the instructions, in compliance with which I immediately made that overture,—that the Secretary of State of the United States appears to have been led, both by the correspondence of Gen. Goblet with me, and by that of M. Behr with him, to anticipate an unhesitating acceptance of it,—and, since it would be mere affectation, after what I must be permitted to call the extraordinary positions taken by M. Nothomb, without any expression of dissent on your part, in the conversation alluded to, to dissemble that I feel some apprehension lest that anticipation, reasonable as it unquestionably is, should be disappointed, that it is become more than ever my imperative duty to lose no time in obtaining and communicating to my government the probable result of the negotiation, and in giving it (should that result, unfortunately, be what has been more than hinted to me) a full account of the motives which will have led H. M's. government to disavow the solemn act of its plenipotentiary.

Meanwhile, as I think it due, not less to H. M's. government than to my own, to shew to the former, as distinctly as possible, the light in which this unexpected conclusion of a negotiation, so pressingly invited by itself, and of which, in communicating that invitation, its plenipotentiary proposed substantially the very terms and conditions now considered as so objectionable, will be regarded by the latter, I annex to this note an extract from a letter addressed to me, upon this subject, by the Secretary of State. Nothing I could say would add any thing to the effect of this simple statement of facts.

I have the honor to be, etc., etc.,

[Signed] H. S. LEGARE.

This note brought the following answer from M. Nothomb:

Count F. de Mérode to Mr. Legaré.

Ministère des Affaires Etrangères,
BRUXELLES, LE 27 MARS, 1834.

Monsieur le Chargé d'Affaires,—En vous transmettant la note ci jointe en date de ce jour et où j'ai du me borner à rappeler les faits propres à fixer la position du gouvernement du Roi, j'éprouve le besoin de vous entretenir, en peu de mots, de la position particulière du plénipotentiaire Belge.

J'ignore encore quels sont les motifs personnels qui ont porté le ministre résident a Washington à donner une extension à ses pouvoirs; j'attends des explications de sa part. Vous concevrez, toutefois, que dans une négotiation de ce genre, ou tout était nouveau, il a pu, surtout à cette distance des lieux, perdre de vue les raisons qu' avaient motivé le sens restrictif donné à ses instructions.

Agréez, etc.

Le ministre d'état chargé par interim, etc.,
COMTE F. DE MERODE.

According to this appointment, M. Nothomb called upon me this morning with the ministerial portfolio, and put into my hands what, he assured me, were the originals of the powers and instructions given to M. Behr when he was about to set out for America. I frankly confess I read these papers with astonishment, as I have no doubt you will, and not dissembling to him that the determination to which he announced that H. M's. government was come was more plausible, at *least*, than I had

hitherto considered it, while I did not conceive myself authorised to discuss it, (my instructions permitting me only to agree to an additional article for a simple ratification on or before the 1st of July,) I told him I should refer the whole matter, without loss of time, to the President. For this purpose, I requested that M. de Mérode would immediately favor me with an official answer to my note of the 13th January, announcing, in an explicit manner, the determination of this government not to ratify without certain modifications, which would enable me officially to decline, in an equally explicit manner, such a ratification, and to declare the negotiation, so far as I am concerned in it, at an end; unless, in consequence of any propositions which I would gladly be the means of communicating to him, the President should see fit to invest me with a larger discretion than he has hitherto allowed me. This was agreed to, and, after a good deal of miscellaneous conversation, in which I repeated that the importance I now attach to this discussion had been altogether superinduced upon it by the interference of England and the view which this government seemed to take of the question, (so much more extravagant than any avowed doctrines of England,) M. Nothomb took his leave. I took care, in this interview, to impress upon him that what I said, being the language of one not authorised (strictly speaking) to discuss the subject, was altogether unofficial and nowise binding upon my government, and that, of course, you would be perfectly at liberty to take any step or maintain any position you might see fit,—that, although it was undeniable that there was an important difference between the phraseology of the fourth head of his instructions, (protection of the Belgian flag, etc.,) as presented by M. Behr to Mr. Livingston, and that of the same head as exhibited in the document before me, especially when taken in connection with the context and the example of the treaty with the Hanseatic Towns, by which he was directed to govern himself, yet that the expression, "protection of the flag", was, standing by itself, a very comprehensive one, and, in negotiations of the sort, the party with whom an ambassador treats is bound to look only at the power he presents, not to any secret understanding between him and his constituents,—that I most unfeignedly regretted the circumstance had occurred, because of the interest I feel in the honor and success of the Belgian government, and because, from the part England had taken in a matter that did not concern her, I feared it was calculated to excite strong feelings in America, and could scarcely fail to create much scandal every where,—but that, at any rate, I had no doubt it would be less disagreeable to our government to find that M. Behr was mistaken as to the extent of his powers, than that H. M's. ministers

had been induced, by any more questionable motive, to disown an act done by him in admitted conformity to them.

March 27.

M. Nothomb called upon me again to-day, and read and delivered to me a note from Count Felix de Mérode, which, together with the documents A. B. and C., is herewith transmitted to you. You will perceive that this note conveys an express refusal to ratify the treaty (or to make any agreement about ratifying it) except with such modifications, that is to say, omissions, as will bring it within what this government considers as the fair interpretation of the four preliminary points. What these omissions are to be is not specified, and I am about to send in a note in reply to the Minister's, of which the object will be to decline, on the ground of want of instructions, acceding to the overture made by him as to a modified ratification, and, at the same time, to request, for the information of the President, that the objectionable articles be precisely specified.

On looking more carefully than I had time to do at first into these documents, I am by no means sure that the fourth point, even in the abridged form in which it is set forth in these instructions, does not cover with the strictest technical accuracy all the stipulations in the treaty; and the true principle, no doubt, is, that parties treating with each other are bound to look no farther than to the regularity and sufficiency of their respective powers,—all questions about compliance with instructions, etc., being matters, as in other causes of agency, to be settled between the representative and the constituent, with which third persons have nothing to do. Wicquefort, who is a great authority, says so positively,* although Vattel seems to be rather more indulgent,—but then the difficulty here is that King Leopold qualifies the power which he vests in M. Behr by the instructions which it was given to fulfil, and, in that case, according to the first mentioned writer, it is no full power,—and he cites an instance in which the clause *servatâ instructionis formâ*, inserted in such an instrument by Urbain VIII., when he authorised one of his cardinals to treat with a minister of the Duke of Parma, was effaced at the instance of that minister, who objected to its effect in restricting the authority.†

This is a formidable technical difficulty, as it appears to me, and then, looking at the whole letter of instructions, and knowing the perfect inexperience of the statesmen thrown up, without discipline or preparation, into the management of great affairs, by a most unexpected and, in some respects, anomalous revolution, it seems to me not at all unlikely that they really meant no

* L. ii., c. 10. † l. i., c. 16.

more than they say in their note to me. Yet, I am persuaded they will be embarrassed to answer the argument, or rather outline of the case which I am about to present to them, with a view, if possible, of making them state their objections with greater precision. This note shall be annexed. As it is, I never saw people in greater perplexity,—they are particularly puzzled how they are to act with respect to M. Behr. In conversation with M. Nothomb to-day, I told him our government was never vindictive, and I should not volunteer to demand what the President might not choose to insist on, but that he could not but know that a minister, to be disavowed with any color of plausibility, must be disgraced and recalled.* He admitted the position, but seemed to dread the consequences,—and, I have no doubt, with good reason, for the agency of England in this affair has got wind among the opposition, and the sacrifice of M. Behr, for making, with or without authority, a very good, and, at all events, perfectly innocent treaty, will be considered, in spite of all the plausible pretexts with which it will be attempted to gloss it over, as a scandalous offering of timidity to arrogant and haughty power. But, on this point, I repeat here what I stated over and over again to M. Nothomb, that as it is no affair of mine, so I most willingly refer the decision of it to those whom it properly concerns, and to whose better judgment it may be safely confided.

I ought to add that the part of your letter of the 11th July, which I copied and sent to the Minister of Foreign Affairs, is from the beginning down to the paragraph "The President is unwilling to anticipate," etc., inclusive. So, to avoid unnecessarily augmenting the bulk of a very voluminous despatch, I content myself with barely refering you to our treaty of 1827 with the Hanse Towns, of which a copy, sent me by the Minister of Foreign Affairs here, is the document (C.) alluded to in my reply to his note.

Thus ends the first *direct* negotiation of the Belgian government, and you see most literally verified every word that Sir Robert Adair uttered a year ago, in a moment, though not as I was then inclined to flatter myself, or rather the ministers here, under the usual delusions of excitement. They *have* vied with each other in disavowing their Envoy, and they *have* done so with a trepidation and anxiety which they have not been able to suppress, and *he* (Sir R.) certainly did not exaggerate.

I trust that I have, from first to last, acquitted myself of a delicate duty with real vigilance and activity. I know that I have been deeply impressed with its importance with a view to matters far more important than our intercourse with Belgium, and that as I think it any thing but unfortunate that it should

* Wicquefort, l. ii., c. 15.

have been in my power to detect and reveal to you the sinister influence which has thwarted the negotiation, so I am happy in being able to commit the ulterior disposal of it to your better judgment.

I have the honor to be, etc., etc.,

[Signed] H. S. LEGARÉ.

Legation of the United States,
BRUSSELS, 16TH JAN., 1835.

To the Hon. JOHN FORSYTH,
Secretary of State of the United States,—

Sir,—As it is quite natural the government should wish to know what impression that part of the President's message that relates to the French treaty has made in Europe, I send, by the way of Havre, all the Belgian newspapers which make any allusion to it. One of these, however, I have thought worthy of more especial notice, and it is, therefore, enclosed under the envelope of this despatch. I have marked the paragraph which determined me to call your attention to it, and have now only to add that I have no doubt at all but that it is the work of M. Nothomb, Secretary General of the Department of Foreign Affairs, who played throughout our recent discussion with this government so conspicuous a part, that I have had frequent occasion to mention him particularly in my correspondence with the department on the subject of M. Behr's abortive negotiation. I send you, at the same time, a copy of the note which I thought called for by that paragraph, and should their answer come to hand in time, you shall be furnished with a copy of that also. I was induced to take official notice of this *quasi* official paragraph, not only because of the misrepresentation it contains, but also on account of the general tone of the journal itself in relation to American affairs, and especially of the indecorous, not to say impertinent language it had held in two previous numbers, in reference to the message, which it denounced as "arrogant," etc. Happening to meet with the Minister of Foreign Affairs and his Secretary General at dinner at the British ambassador's, the day the second of these pieces appeared, and the conversation naturally turning upon a State paper that has attracted universal attention and even created a sensation in Europe, I took occasion to say to M. de Muelnaere, that I thought the language of that journal most strange and improper and felt highly offended at it.

What makes it the more so is the great moderation with which the President has acted in not immediately demanding the recall of M. Behr, according to established diplomatic usage,—an event

which they deprecated extremely, as likely to lead to explanations of a disagreeable and discreditable kind. If you have not yet entered into another negotiation with M. Behr, as I am led to suppose from the message, will you permit me to suggest a doubt as to its expediency under existing circumstances. In case of hostilities with France, it is true, our commerce with Antwerp is likely to increase very much for the moment; otherwise, it is very far from being important, for the Consul there writes me word that the Swedes are supplanting us as carriers in that trade. If this is the case, is it expedient to accept their overtures to a treaty of commerce, merely securing to us, by formal stipulation, what the law of nations and the law of the land in Belgium already guaranty to all neutrals, when, by so doing, we give a sort of indirect sanction to their conduct in the previous negotiation, and to their renewed assertion that we are seeking to establish, by practising upon unwary or ignorant negotiators, a code of maritime law unknown to European nations? At this juncture, too, when we are calling upon France to make atonement to us for her violation of those very principles, which the ministry of this country will persist in pronouncing innovations of ours, although the Berlin and Milan decrees were founded upon the assumption of their indisputable truth, and professedly designed to vindicate and restore them, would such an implicit inferential concession be altogether opportune? It is, of course, for you to decide.

16th January.

I received yesterday evening a note from the Minister of Foreign Affairs, (in answer to mine,) of which a copy is annexed. You perceive the minister disavows entirely the offensive passage in the *Indépendant*, as well as all connection with or responsibility for the conduct of that paper. This, however, did not prevent his receiving a similar letter of complaints from the Chargé d'Affaires of Brazil, a few days before, and as M. Nothomb, through whose hands all the diplomatic correspondence of this government passes, is notoriously one of the principal conductors of that journal, I have gained my object in letting him see that its misrepresentation of facts, of which he knows we assert the contrary, has not passed unnoticed.

In the papers of this morning I see that Mr. Livingston has received his passports, and probably left Paris already. People are very much excited about this event, though the proposal of the bill to make the appropriation, which is to take place immediately on the departure of Mr. Livingston, would seem to shew that the French government only means to express its displeasure, without committing any act of hostility.

I have the honor to be, etc.,

[Signed] H. S. LEGARÉ.

P. S.—I take the liberty of suggesting, on occasion of our present difficulties, that great harm is done by the precipitate publication of our diplomatic papers,—a practice unknown in Europe, and inconsistent with the perfect freedom of correspondence. The most instructive reports of a foreign minister are precisely those which he does not write for the public, and especially for the nation amongst whom he resides.

Legation of the United States,
BRUSSELS, 26TH JAN., 1835.

To the Hon. JOHN FORSYTH, etc.,—

Sir,—Nothing of importance has transpired since my last, except that it appears now to be generally understood that the payment of the 25,000,000 is become a government question in France, and that the opposition of all colors, Carlists, Republicans and Tiers parti, (headed by M. Dupin, President of the Chamber of Deputies,) will resort to every means to prevent it. As you will, no doubt, be glad to receive every information that can throw any light upon the state of opinion in Europe in regard to that matter, I will take the liberty of mentioning that it seems to be thought, in France, that, although the king is, by the Constitution, vested with the whole treaty-making power, yet if a convention call for the appropriation of money, or, I suppose, any other legislative action, the Chamber of Deputies has a right to take up the question, as if it were *res integra*, and to refuse its consent, as freely and unconditionally as it might, to any proposition originating in the usual routine of business within itself. I am not sure that this same doctrine was not advanced by the minority in the discussion of Jay's treaty, but whether it was or not, *I am* sure that it is unreasonable when carried to this extent. The great question is, upon whom does the *onus probandi* rest when a treaty has once been made and ratified by the proper authorities? Undoubtedly, upon those who dispute it. It is not enough to say they are not *satisfied*, and to call for evidence to shew that, either in principle or amount, some error has been committed by those who entered into the stipulations. The most that can be admitted is that the representatives of the people, called on for their assistance in fulfilling them, shall be allowed to rebut the *presumption* (arising from so solemn an act, done by the competent authority) by positive and satisfactory proof. Now, this is what the opposition in France and many other Continental publicists do not understand, or will not admit, and the consequence is that they find our indignation at the very reprehensible levity with which the subsidy was refused, quite unaccountable. I thought it as well to

throw out this suggestion, which deserves to be taken into consideration by the government, before adopting definitive measures, and serves, in some degree, to excuse conduct that would otherwise justly subject the authors of it to the reprobation of all honest men.

Since the affair has been the subject of so much conversation, I have taken occasion to point out to the Minister of Foreign Affairs, and to other public characters here, the immense advantages which Belgium, in the event of a rupture with France, would have derived from the treaty which her ministry lately rejected, and especially from the "free ships free goods" principle, the object of M. Nothomb's especial abhorrence,—although its only effect would have been to make this country, in that contingency, the carrier and agent of a mighty commerce. They seem very much struck with the glaring absurdity of their recent conduct, and M. de Muelnaere went so far as to tell me he had been thinking a great deal on the subject, and had come to the conclusion that M. Behr had done a very good thing rather too soon. Perhaps, by delaying the negotiation for some time, you may bring them to a more public and practical recantation of their error, if indeed you think it worth your while to move the matter again at all.

I have the honor to be, etc.,

[Signed] H. S. LEGARÉ.

Legation of the United States,
BRUSSELS, 24TH APRIL, 1835.

To the Hon. JOHN FORSYTH, etc.,—

Sir,—Permit me to congratulate you on the result of the protracted investigation and discussion of Mr. Rives' treaty in the French Chamber of Deputies. I apprehend, from all that I hear of the eagerness of the Court of the Tuilleries on this subject, as well as from the scope and spirit of M. Thiers' speech, no serious difficulty from the condition with which the fulfilment of the treaty has been clogged in order to save appearances. It is, all things considered, as small a sacrifice as could have been made by the ministry to the vanity of the vainest of nations, deeply wounded by the course the matter has taken.

As this great question seems now to be in a fair way of being settled, and the prospect lately held out, by a possible rupture with France, of my being very much and very usefully employed in my present situation, being, in consequence, removed, I avail myself of this opportunity to request that the President will give me permission to return home on the 1st June, 1836. I shall then have served the entire four years for which I under-

stood, the appointment to be made; and suppose there can be no objection, after so long an absence in the public service, to my devoting my attention once more to my private interests. I trust, too, that, in resigning into the President's hands a commission, with which he was pleased to honor me without any solicitation whatever on my part, I may confidently count upon his approbation for the manner in which I have discharged its duties,—conscious, as I am, of having been zealous to do all that in me lay, in a comparatively humble, however honorable station, to maintain the interests and dignity of my country. My object, however, in troubling you with this request at so early a period, is to add to it another, which I venture to make only because, I presume, there is nothing objectionable in it. From the tenor of one of my last letters from Charleston, I am led to think that my presence there may be necessary, at least desirable, sooner than the time just mentioned. I do not know that it will, and sincerely hope the contrary, but in case I should receive information to that effect, in the course of the summer, it would be a great favor to me to have the permission I ask for so shaped, as to make it optional for me to return in October. I shall be extremely indebted to you to let me hear from you on this subject at your earliest convenience, as, should the President be good enough to comply with my wishes, and events make it necessary to avail myself of the conditional permission, I should by all means desire to avoid a winter passage across the Atlantic, which, in my present state of health, would, I fear, do me serious harm. I have the pleasure to announce that the Queen of the Belgians has given birth to a second son and heir to the crown,—an event ardently desired by all friends of the country and its dynasty, and universally rejoiced in as a pledge of order and stability to the new government.

I have the honor to be, etc.,

[Signed] H. S. LEGARÉ.

Legation of the United States,
BRUSSELS, 17TH MAY, 1835.

To the Hon. JOHN FORSYTH, etc.,—

Sir,—I have now the satisfaction of being able to enclose the paper you instructed me to procure. I send copies of it both in the original Dutch and in a French translation. They were furnished me by Mr. Patterson, explanatory extracts from two of whose letters (marked A.) accompany them.

You will remark that in these letters Mr. Patterson, besides the principal object of our inquiry, alludes to two others of great importance, as to which he conveys information that deserves

attention. To what he says of the sugar trade, it ought to be added in explanation that, in consequence of a very considerable drawback having been allowed on the re-exportation of refined sugars, the sugar refineries of Antwerp, for the supply of the North of Europe especially, have been so successful and are so much multiplied as to be fast distancing all competition. It is in supplying these establishments with the raw material, which their own navigation has not as yet so much as attempted, that ours has found its chief employment in that port. Hence we are deeply, and, as yet, exclusively interested in getting rid of the very high duty imposed on the importation of that commodity. What Mr. Patterson says of the projected innovation as to whale oil, speaks for itself.

Things remain here, and throughout Europe, very much in *statu quo*,—an armed neutrality and suspicious peace, which has hitherto been proof against provocations to war, that, at any previous period, would have covered Europe with blood and ruins. This indisposition of mankind to go to war is strongly encouraged, no doubt, by the unprecedented development of their industry, with all the accompanying blessings, under the existing state of things. Witness the cotton trade, for example. When I was in Europe sixteen years ago, the merchants and manufacturers of Glasgow and Liverpool universally predicted a *glut* and fall of prices, which did indeed take place and continue for some time. Production is, since that period, at least doubled, and is now going on at a rate of increase out of all proportion greater; so much so, that Mr. Patterson mentioned to me, last week, that inquiries, prompted by this progress of the manufacture in Europe, had been addressed to him, by persons interested in it, as to the probable sufficiency of the supply of the raw material, high as prices are already. Speaking with one of the most experienced men of business in Europe, some time ago, of this, to me, unexpected rise, I asked him what it could be owing to. His answer was that he could ascribe it to nothing but the effects of the universal peace, which were great beyond all calculation,—so much so, that their house found themselves every year underrating them in their anticipations. Specimens of this most beneficent progress in true civilization are the change brought about in the German custom-house system by the King of Prussia,—an immense step to what I have more than once had the honor of calling the attention of the Department,—and the projected construction of a rail-road from Antwerp to Cologne, opening to the whole commerce, fostered by this wise Prussian system, a new and unobstructed outlet by the Scheldt, and destined, perhaps, to undo what the treaty of Westphalia did, to build up Holland at the expense of this and other surrounding nations, by giving her the keys of that river and the

Rhine. A part of this road (from Mechlin to Brussels) is actually finished and in use. I do not know whether I ought to apologise for troubling you with these remarks. They appear to me worthy of your notice, not only as a Minister of a most flourishing commercial and agricultural country, but, as one whose education and social position *forbid* him to *be* indifferent to a subject above all others, in my opinion, connected with the true progress of the civilization and happiness of mankind.

I have the honor to be, etc.,

[Signed] H. S. LEGARÉ.

P. S.,—18*th May*. The *Moniteur*, of this morning, happening to contain some important papers relating to the very subject of this despatch, I enclose it under its envelope. You will there see that the Chamber of Commerce of Bruges expresses, in so many words, its opinion that the allowance of 10 per cent. is not enough, and that it ought to be increased to 25 or 30. I ought to mention, also, that, in spite of the obvious tendency of the times to a gradual relaxation of the old commercial system, and approximation to the freedom of intercourse which nature and reason conspire to recommend, there are symptoms of quite a contrary kind in Belgium, of which you may look upon these papers as specimens. The truth is that, in a mere pecuniary point of view, Belgium lost immensely by her late revolution. The activity of Dutch commerce,—the great monied capital of Holland,—and, above all, the markets afforded by her important colonies for the sale of Belgian manufactures,—all these and other advantages were suddenly withdrawn, and have left a chasm not likely to be filled up, except, possibly, by the effect of the rail-road, which is still future and contingent. Meanwhile, their commerce and manufactures languish and call loudly for the old nostrum, *protection*.

[The Publishers regret that want of space compels them to omit the remainder of Mr. LEGARÉ's Diplomatic Correspondence.]

PRIVATE CORRESPONDENCE.

Mr. Legaré to I. E. Holmes, Esq.

BRUSSELS, 2D OCT., 1832.

My dear Holmes,—I began a letter to you the other day, but it was—owing to the state of my mind and the impression made upon me by reading your State-rights manifestoes—in so lugubrious a strain, that I determined it was not fit to be sent as a remembrancer of me to one who, wild as some of his notions are, is, in the main, all that his best friend would wish him to be. I have often thought of my taking leave of you in Washington, which was the first time (though by no means the last) that I felt myself a good deal overcome by my separation from those I love. You thought I should not bestow a recollection upon you, once I formed my *grand* associations in Europe. How little even you, with whom I have used less disguise than with almost any person besides, know of my character! I have had the honor of dining with two kings, and have been as well received as I had any right to imagine I should be, and yet, I assure you that I never thought more, and more affectionately, of you and all my little circle of friends, than in the most brilliant scenes I have found myself in,—and even at Neuilly and Laken. Every circumstance, for instance, of our excursion to Georgetown in the spring,—or rather, winter,—from our first meeting on the wharf to our separation at Georgetown,—every word, every laugh, almost every thought,—is as distinctly in my recollection now as if it were but yesterday; and the glories of Versailles, the freshness and beauty of the most highly cultivated gardens and groves that adorn the palaces of kings, excite in me feelings far less deep and intense, than those with which I dwell upon the sands and quagmires and pine-barren of our own low country. Ah, why should such a happy state of things,—a society so charming and so accomplished,—be doomed to end so soon, and, perhaps, so terribly!

I was grievously disappointed with every thing in Paris but the Royal family and Ma'mselle Taglioni, the celebrated opera dancer,—oh! yes,—I beg her a thousand pardons,—and Ma'mselle Mars, the great comic actress. As for the regeneration of the people of France, it is all in my eye,—they are as much regenerated as I am, and not half so much, for I flatter myself

that, as I grow older, I become wonderfully softened and penitent. It is just the contrary with the Gauls. If liberty consists in a readiness to rush into scenes of blood and outrage,—in the ferocity of a Tartar horde, thirsting for plunder and conquest,—in rudeness of manners, violence of passion, and the most concentrated, impenetrable, conceited *égoisme*,—in wearing mustachios and red pantaloons, and elbowing women into the gutters that bound the side-walks,—then, the French are a free people; but, according to my old-fashioned notions of liberty, they are at this moment more unfit to be citizens of a republican country than they were in '93. They think o nothing and desire nothing but war and sensual pleasures. If they can only cover themselves with crosses and stars for victories gained in foreign countries, live upon contributions extorted from their unwilling allies, and deal with the beauty and the booty of subjugated nations at their discretion,—one form of government is precisely the same in their eyes as another. Nay, they prefer the one that enables them best and most certainly to achieve these things. I don't mean to say that there are not, among the men of fortune and education,—especially in the mercantile classes,—many, many individuals of sounder views and feelings than these, but of the great body of the Parisians and the French generally, (and remember, *equality* is perfectly established among them,) I have no hesitation in affirming that I think them utterly unfit for a government of *laws* as contradistinguished from one of men. Indeed, I am more than ever inclined to think that liberty is an affair of *idiosyncracy*, and not destined to spread very far beyond the Anglo-Saxon race, if even *they* keep it very much longer. Perhaps, in less than a twelvemonth, *you* may be able to give in your experience on the subject. *Quod deus avertat omen.* They swear the government of Louis Philippe is worse than any they have had. Their press is very bold and unsparing,—but the attorney-general plays the devil with the editors by prosecuting for libel,—which sometimes succeed, and sometimes fail, but are always most injurious to the printer on account of the interruption they necessarily occasion in his business.

The English, by the way, are very anxious about their reform bill. If you read the Quarterly, you will see what a doleful strain it utters, and, I assure you, even the whigs I have met with seem alarmed about the state of things. Demus has got his finger in,—and even Brougham begins to be frightened at the idea which a joint or two of that extremity give him of the dimensions and prowess of the mammoth. There's O'Connel, for instance, still insisting upon "the *rapale*" of the union, and issuing manifestoes, worthy of his royal progenitors of Kerry, to excite his people to, it seems to me, nothing less than a war without truce or quarter, with every part of the English *régime*

in Ireland. If the French had a navy, I hav'n't the least doubt Ireland would be wrested from Great Britain. But there's the *rub*,—and as they hav'n't heard of nullification in this unenlightened part of the globe, they have only one way of settling a dispute of the kind,—which, unless England be too busily engaged with her radicals at home, is likely to end in favor of her *mille carinæ*.

Apropos of the English navy, I had the pleasure of dining in company with Sir Sidney Smith at Bishop Luscombe's—the chaplain of the British embassy—at Paris. He is an exceedingly interesting and striking old man. He used several times, in speaking of the French, a very significant phrase,—"they are good for nothing," says he, "they have no *tenacity of will*." He mentioned that, being at Brussels, the day of the battle of Waterloo, he asked a gentleman, who had just returned (it was early in the day) from the field, what was the prospect. "Why," replied the other, "the Duke has come to a stand, and says he will not budge thence." "Is it so," said Sir Sidney, "then all is well,—for I know by experience, (at St. Jean d'Acre, you remember,) if he won't stir, the other fellow will." His information, derived principally from his extensive intercourse with mankind in different parts of the world, is very diversified and curious, and there is a mixture of the cavalier and the sailor in him that is very piquant. Among his other narratives, (for he is getting old,) he entertained me with an account of his sojourn in the Temple as a prisoner. He speaks French like a Frenchman. What a race the English are! They are, without exception, the highest specimen of civilization the world has ever seen,—but don't tell them I say so.

I have not been here long enough to make any acquaintance beyond the corps diplomatique and the high officers of state. The city is beautiful, beyond its reputation. It has been very much improved since I saw it. I keep a fine carriage, with a noble pair of English horses, and take an airing every day at four o'clock in the suburbs,—returning at five, or half-past five, to dinner; but I am alone, and solitude (where it is not devoted to study or contemplation) is *so* painful!—and especially is it so, where the means of enjoyment, if you had any to sympathise, are all around you. If I could only call and take you or some other *crony* up, as I go to the Boulevard and the Allée Verte, how happy I should be. As it is, I read a great deal in the daytime, and go to the theatre in the evening. * * *

Talking of study, when I was crossing the ocean I was in horribly low spirits, and I do not know what I might not have been driven to by my despair, had I not taken the precaution to buy in Philadelphia a collection of all the Greek dramatists. I read a tragedy every day, so that, in the course of a voyage of

three weeks, I got through Æschylus, Sophocles, and many of the plays of Euripides. All this is a preface,—for remembering the interest you took in our friend Mr. B**'s doubts about περισσοι παντες οἱ ἐν μέσῳ λογοι, I must beg your friendly intervention in another affair of the same kind, in which your services to the cause of sound literature will doubtless be acknowledged by him with as much gratitude as he ever feels towards any body that is more successful than himself in solving a classical riddle,—at least, I trust he has got over the grudge he owed you for your inconceivable impudence in attempting to talk Latin with our friend Ali Pasha, or Haji Baba, or whatever was his name, at Eliza Lee's,—while he very modestly held his tongue in cudgelling his brains for the *right thing*. Not long before I left Carolina, the queer old man (for he is half reconciled to me, in spite of my many sins of commission in this way) came to me with another motto, wondering 'what the devil could be the wit of it.' It was this,—Εν παρεργῳ θου με. Of course, as the words were abstracted from the context, it was not easy to say precisely what they meant *there*,—but I gave him an off-hand interpretation, which turns out to have been the right one. The text is in the *Philoctetes* of Sophocles, v. 474. The hapless solitary of Lemnos implores Neoptolemus, (Pyrrhus,) by all that is dear to him, not to leave him to suffer in the frightful desolateness of the situation in which he had been abandoned by the Greeks, but to *add* him to his ship's company,—to take him up, as it were by the way, and as a *supernumerary*.

μη λιπης μ' ουτῳ μονον, etc.
ἀλλ' ἐν παρέργῳ θοῦ με.

So in the Orestes of Euripides, Tyndareus says to Orestes:

καλον πάρεργον δ'αὐτὸ θήσομαι πόνων
ὡν οὕνεκ' ηλθον, etc.

This will be a good or glorious *addition* to what I intended, at first, to do." Something done *by the way*, over and above one's duty or engagement,—παρά beside and εργον opus. In the application of it, made at Cambridge, one friend begs another to take him up *en croupe*, as they say in French,—to let him pursue his triumph and partake the gala, etc.

You must keep this little piece of pedantry, or pleasantry, as you may please to consider it, a profound secret from every body but our reverend friend of the longs and shorts; but I would have you judge, from this specimen, how full my thoughts are of every thing, how minute soever it may be, at *home*.

So you are going to nullify,—well, I can't say I have any great confidence in men when they are wound up to the revolutionary pitch,—but I strive to hope against hope. I trust in God that

my glorious and happy country, a thousand times dearer to me now and grander in my estimation, by contrast, than it ever was, is not about to seal forever the dismal doom of our miserable species. As for amelioration on this side of the Atlantic, they may expect to see it grow to something worth boasting of, who believe in the perfectibility of men,—but to preserve *our* happy institutions for ages yet to come,—to prolong the *Saturnia regna* which our physical condition and the character and order of things we inherited from our fathers, naturally secured to us, and which we have so signally enjoyed,—to do this seems to me so very easy, that should any thing happen, which, for the sake of the omen, I would not even mention, I shall think the world a mockery fit only to inspire the despair of the misanthrope, or to provoke the demoniac sneer of a Mephistopheles. If the Union should go to pieces, it will be one hideous wreck,—of which, excepting New-England, no two parts will hold together. None of us will have any country, except what the rule in Calvin's case may dignify with that name,—a technical country,—a legal right and a civil status to decide on a question of title. But there will be no *flag* known to the nations, and none of the ennobling and sacred charities that bind, or rather bound us together but the other day,—no proud retrospect to the past,—no glowing anticipations of the future,—but piratical depredations instead, and ignoble border warfare, and the rudeness, coarseness and ferocity of a race of mounted barbarians,—and all the calamities that have scourged *this* continent, without the chivalry that has adorned her valor, and the grandeur that has half excused the ambition it has excited.——The politics of the immortal Jefferson! Pish!

Write to me soon and at great length,—keep my secrets, and believe me, dear Holmes, ever yours, H. S. L.

From the same to the same.

BRUXELLES, APRIL 8, 1833.

My dear Holmes,—I have this moment received your letter of the 12th Feb., endorsed by Trapmann on the 16th. I began to think you did not intend to reply to my letter, as supposing it improper, or unsafe, or I know not what, since your scandalous *row* in South-Carolina, to keep up a correspondence with one of the "mercenaries" (isn't that the word?) of the general government. I was occupied the greater part of yesterday and the day before in writing two very long letters, for when I *get at it*, I have no moderation, and inflict line upon line on my suffering correspondents, with as little mercy as if I were the representative of a "sovereign State" bellowing out or vomiting forth whole

volumes of the darkest metaphysics, beginning with the hunter-State, and coming down, through the tribes of Israel, to the immortal sayings and doings of the holy father in democracy,—the servant of the servants of Demus (whose nose of wax he knew better than any body how to shape to his own convenience,)—the infallible, though ever-changing, St. Thomas of *Canting*-bury. And here, you may be sure, I *cross* myself devoutly and cry out, with an all-fervent benediction to that canonized worthy, *pax tecum* (pronounced, you know, *Scottice*, *pox tacum*).

It is Tacitus, I think, who talks of the *Ludibrium rerum humanarum*,—but then it is *flebile ludibrium*, and I really don't know whether I ought to laugh or cry at the picture you draw of our poor little community. *I* think the question entirely settled,—I think that *free trade* is victorious,—and, as for "State Rights", I think it will be well for them if their champions consent to a true, or definitive treaty, if you please, on the principle of the *uti possidetis*. But *I shall* be very much surprised, or rather (for I begin to be surprised at nothing at all which our ourang-outang race perpetrates now-a-days) I shall be exceedingly indignant or downcast or both, if the fantastic tricks of wanton, cold-blooded tyranny which the Convention has played off before the world, to its deep and serious instruction in politics, do not yet awaken us all to the importance of the inquiry, whether that same "sovereignty of the States", about which we are mouthing as much as the Carlists do about monarchy *jure divino*, and which experience has thus shown to be of precisely the same stamp,—whether that same *sovereignty* isn't still, as it was at the beginning, much too strong, not only for purposes of good government, vulgarly so called, but, to be at all consistent with the preservation of a very humble share of the liberties transmitted to us from our English forefathers, and *meant* to be maintained in their integrity by the revolution. When I read your "Ordinance", I rubbed my eyes to be sure if I was not in a dream. I could not believe it *possible* that such insolent tyranny was in the heart of any man, educated as and where I myself imbibed my detestation of all arbitrary power, though its sceptre be in my own gripe. I don't speak of it as a federal or anti-federal measure,—pass for that,—I refer to it exclusively as a measure of government in South-Carolina, and I declare to you solemnly, that, for the very first time during this whole controversy, I felt the spirit of civil war burning within me, and that I fervently prayed that my friends of the Union party would, without any hesitation, swear that it should never be enforced but at the point of the bayonet. What made it worse was that (if I have not quite forgotten the Constitution of the State) nothing is plainer than that the "Con-

vention" was a mere self-constituted assembly,—a mob, without a place or a name in our laws,—because the Legislature which called it was no Legislature until the constitutional time of meeting in November.

But, putting the matter of right altogether out of the question, as it seems to be in South-Carolina under its new government, how could the leaders and their Convention, knowing, as they must know, unless they are mad, the inherent weakness of the State and of the whole South, if civil war do take place in good earnest,—how could they be blind to the wild impolicy of their conduct? They first practice, with the utmost deliberation, a fraud upon the people, by assuring them that their premeditated scheme of violence is a perfectly regular and peaceable one. They succeed in bringing over a bare majority of our people, even with this plausible pretence in their mouths. They know that out of 39,000 votes, upwards of 16,000 are against them in *every* view of the measure. And yet, holding so feeble a majority by such a tenure, they venture to pass an "Ordinance", of which I never can think, and, I suppose, none of my friends ever do think, without feeling that life under such a tyranny (if it could be enforced) is not worth having. If it had been designed as a measure of mere *vengeance*,—if, believing they would be ultimately thwarted in their plan of resistance, and wishing to prevent the triumphant scoffings of the Union party at their anticipated discomfiture and disgrace, they had determined to exterminate, at least, to banish them all at once, which, as Milton's Satan says, if not victory, were, at least, *revenge*,—à la bonne *heure*. But, if we suppose them to have been any thing but a gang of desperadoes, (as they certainly were!—am I not liberal?) how can it be accounted for, except by that spirit of intoxication and wilfulness which is said to be the forerunner of the downfall of kings and principalities and powers.

Cet esprit de vertige et d'erreur
De la chute des Rois funeste avant-coureur.

That they *began*, without the least pretext of an over-ruling necessity of self-defence,—that they deliberately began by doing such things as made it the *solemn duty* of every Union man,—however secretly determined he might have been, if things should come to the worst, in spite of all he could do to prevent it, to adhere to the State and perish with it,—either to destroy or abjure a commonwealth in which such intolerable tyranny could exist? I wrote to my friend P****** upon this subject, and I have no objection to *your* seeing the letter *in confidence*, because I know *your heart*, my dear Holmes, to be as kind and just as it is firm, and that you must despise us *there*, if you do not think that we feel as I have spoken in that letter, which was written in all the transport of my first impressions.

Now, I am not such a Don Quixotte as to imagine that if the sword had been drawn and blood been shed, and the civil war that should have ensued had been brought to an issue of life and death for your party, you would not have been *excusable* (*justified*, in *this age*, you could not be) in saying to your dissentient fellow-citizens, "stand out of our way or we must make you." You and others, who always said it was resistance *vi et armis* and an appeal to the law of nature, might have acquiesced with a good grace in such a necessity; and I shall not say what I suppose would have been the conduct of many of your political opponents in that dreadful extremity. What I denounce and condemn,—what I do not scruple to declare I think a political portent of the most malignant aspect, and an act of outrageous, bare-faced, premeditated and insupportable tyranny,—was the coolly adopting such a measure as a *constitutional one*, and treating one-half of the people of South-Carolina like Helots or Cherokee Indians, under pretence of keeping the peace and preserving the Union, as if either peace or Union were worth such a price!

Pax est tranquilla libertas!

It is such things as this same "Ordinance" that make free government, especially a republic, so rare a phenomenon. Mankind have too little sense to maintain, for any length of time, a well-tempered democracy, and a great deal too much to bear an unlimited one,—the most dreadful form of "State sovereignty", beyond all doubt, in which the descendants of the father of the first murderer have ever given loose to their ruffian instinct of violence and oppression. If they have a moderate polity of the kind, which happens (as all complicated machines will) to be occasionally a little out of order, their only idea of a remedy is to pull it down, and along with it every thing that makes civil society worthy of its name. Who could ever have dreamed that the law of brute force which now crushes Europe,—which has absolutely annihilated the independence of the smaller States, and made the destinies of the whole continent to depend upon what five great powers happen to think suits their own convenience,—should be deliberately adopted in America, instead of the really sublime institutions of a federal jurisdiction, (fallible, of course, but generally right,) and that this relapse into downright barbarism should be vaunted, by the most enlightened men in the Southern States, as a *grand* improvement and the only thing wanting to make our government as perfect as we have been swearing it was all along? Nor is the theory a jot worse than the practice, for, although, in the hands of men like yourself and others that I could mention, the despotism would not be much worse than that of Trajan, for instance, or the present

Emperor of Austria, yet what would it be under the auspices of the Columbia junta,—judging, at least, from the character of the old *prophet* there, and that of the pieces I sometimes read in the Telescope. The *spirit* of the dictation, there, is not even *Carolinian*. It is alien to our old habitudes, to the gentle courage, the courteous hostility, the mild and merciful justice, the proud submission to *law* and respect for right, which once distinguished our low country society from and above all other American society. Half of this society has been maddened, the other half outraged, and all of it, I fear, sadly spoiled and deformed by political influence and intrigues. You complain, and you see Mr. Leigh does, of the effects. Depend on it, you see only the first blossoms of the tree of bitterness and death. Wait a few years, and you will certainly taste the fruit.

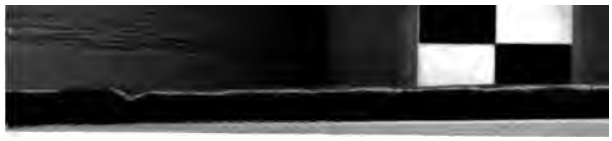
When I had got to the end of the last paragraph, my servant announced "dinner", and, while at table, as usual, two newspapers were brought in, by which I have intelligence from America (through the English journals) as late as the 8th March. I heartily congratulate you on the passing of the new tariff law, and by such a majority too! This is, indeed, a great victory, though I have not doubted, for some time past, that it would take place; yet I dare say it has been accelerated by your hubbub in South-Carolina,—as in reason it ought to have been. In this, as in other reforms, our country will have led the march of improvement, and the more certainly for having gone wrong and retraced its steps. There have been some movements in France lately, which shew that, in that great and leading country, (for you can't conceive what influence she has,) in which the restrictive system seemed to be so deeply rooted, it is beginning to give way, and I have no doubt at all but the doctrines of free trade will begin, in a few years, to be universally reduced to practice. *I* have, as you know, some reason to exult in this result. If the *constitutional* question has been better argued any where than in the Southern Review, No. XI., (wasn't it?) I should like to know *where*. But your *Ordinance!* "Handkerchief! O devil!"

So you gave a diplomatic dinner to the *ambassador* of Virginia, and, I believe, on the very same day (8th or 9th Feb.) when I was entertaining at my house the English and French ministers, etc., with my colleague, Mr. Hughes, Chargé d'Affaires at Stockholm. If you had not remembered me when you were quaffing H****'s old wine, I should have thought you wanting in natural feeling. I begged W***** to send me a small case of the best he could find, just by way of specimen, and he wrote me word he had put it up and was only waiting for a vessel. Since that time the Scheldt has been *practically* closed, and you will be so good as to tell him I have not heard of the

"My-deary." It is a wine hardly drunk in Europe at all,—a single glass, only, being sent round after the soup. The English drink only Sherry, Claret (Bordeaux) and Champagne. At the palace and Prince Auguste d'Arenberg's, at both of which places I dine continually, we have the best wines of every kind, but especially Champagne,—which is so good that some of us drink hardly any thing else. There is a still Champagne, which I think the best of all wines; and, dining here with a rich banker or merchant, (who gives more sumptuous dinners than the king of France,) I tasted a *red* Champagne which I thought capital, and a Chambertin (Burgundy) which might have revived the dead. How often I have thought what a festival we should have, could I just invite twenty of my old friends (sworn not to say a word about State Rights) to such banquets as I have sat down to here. By-the-bye, all the French wines usually imported into Charleston, except by gentlemen for themselves, are very bad. Lynch's Chateau Margaux is good,—that is a wine seldom served here: La Fitte and La Rose carry the day.

9TH APRIL. I had to break off my letter to go to an English *tea-party*, which was almost as formal as such things are in Charleston, where we are decidedly more English than in any other city of the United States; and while I am writing, here comes a note from Lady Charlotte Fitzgerald, bidding me to a small meeting of friends ("no party") at her house this evening. Those friends are her sister-in-law, the Marchioness of Hastings, (Lord *Rawdon's* widow, now on a *visit* here,) and her four daughters, Lady this, that and t'other *Hastings*. They have taken this name, instead of Rawdon, for what reason Mr. B** can tell you better than I,—if he has got over his wrath at your daring to speak to the Barnard's Mussulman protegé in such infernal Latin.

But, talking of eating and drinking, you are all good at that sort of thing in Charleston, and *you* especially, and yet you can form no idea how large a space in life and conversation the refinements of the table,—or, to speak in a style more suitable to the grandeur of the subject,—the sublime science of the kitchen fills in Europe. Some time ago, Prince Auguste d'Arenberg (whose cook is an artist of a genius every way worthy *the age*,) lent me a book, very recently published. It is, I lament to say, the *last* words of the immortal Carême, (M. Lent we should call him, being interpreted, which is a *lucus a non lucendo*,) but was meant by the great man, for whose premature death Paris is (or ought to be) still in tears, as only the beginning of a work on which he meant to build his fame. It is in two volumes, and only treats of soups, parées, etc. This unrivalled artist had been in England, where he received £500 a year from the Prince Regent, but feeling that he owed his services to his country, and



besides, like every true genius, loving his art for its own sake and not for its worldly profits, he left England, after a year's sojourn in its uncongenial *smoke*, and returned to the great capital of the eating and drinking world, where he had the honor to be employed by Madame la baronne Rothschild. Lady Morgan there had an opportunity of judging of the excellence which she has celebrated, and Carême's epistle to her, in the work I have mentioned, is a famous piece of grandiloquence in its way, rarely, if ever, surpassed in our Congressional harangues. He appends to his work what he calls "Maxims, Thoughts and Aphorisms", as follows:

"The culinary art is the escort of European diplomacy."

"Your great diplomate must have a cook renowned for making good cheer. It is, then, indispensable that this *man* [to wit, the diplomatic gastronome] be *largely remunerated by his government*, that he may be influential and respected." [A truth yet in the well in America.]

"The diplomate is the most exquisite judge of a good dinner."

"The ambassador who wishes to serve his country well, must keep a *nourishing* table (table succulente): his diplomatic station requires of him the sacrifice of his fortune, if his country *is unable to appreciate the importance of his noble mission.*" [Victim of honorable ambition!]

These maxims may make you laugh, but a diplomate, in the predicament pointed to in the *last*, knows they are too serious a matter to make a joke of.

I read this morning a report made to the French Chamber of Deputies, by a M. de St. Cricq, which rather chills my hopes about the speedy establishment of the *free trade* doctrines in France; but the very effort to resist them implies their progress, and I must console myself and you by singing the nullifying *ça-ira.*

I think it was to you I expressed the opinion that the French were, in all respects, the same people now as when I was in Paris fourteen years ago. My opinion has since undergone a great change. When I was in Paris, last summer, the politics of Europe being in a most uncertain state, and the terrible populace of that unruly city having not yet recovered from the agitation of the 5th and 6th June last, I thought nothing more probable than that an insurrection might break out any day in the week, and lead or not (according to the throw of the dice) to a subversion of the actual order of things, the proclamation of a new republic à la Française, and a universal conflagration in Europe. I was particularly struck (as other foreigners were) with the rudeness and ferocity of the people one meets with every where in such a capital, and with the violent expressions of discontent that found vent in a thousand ways. I thought it extremely

probable (and said so at the time) that the king's life would be attempted, (I am not sure it was, though,) and from the fiery, uncalculating courage of the whole French people,—man, woman and child,—and the impetuosity with which they throw themselves into any *row*, once there is a breaking out among them nobody can say where it will end. Then the "hero of two worlds", *Jonathan's only* guest and pensioner, was still *harping* upon the democratic *fiddle*, (excuse the *iricism*,—*scraping* or strumming is the word,) and was going so far as even to wish to introduce "State Rights" into France. Lord have mercy upon the *grande nation!* Very soon after I came here, however, things began to assume a better aspect,—the *mouvement* (true nullies) party lost ground with thinking men,—a ministry of great ability was formed out of what are called the *Doctrinaires*, (a party answering precisely to the present whigs of England); and no sooner had the Chambers been convened, than it was very evident they had a tremendous majority at their back. They *plucked* up courage. Antwerp was taken on the one side, and the Duchess of Berry on the other. Then the Reform Parliament is elected, and the Grey ministry carry every thing before them; and, to crown all, poor *Madame*,—the heroine of a national romance,—the paragon of maternal devotedness and courage, proves *enceinte*, and confesses her sins before all Europe. Moreover, the *république modêle* (the U. S. of A.) and La Fayette's ever ready example of successful reform, fall as flat in the eyes of mankind as the Duchess of Berry; and, to use the strong expression of one of the leading Paris papers, "saves France a whole *avenir* of revolutions"! Just about the time that all eyes and mouths were opened upon the most *unexpected*, but deeply instructive scene that was exhibiting in Columbia and Washington, some debates on one of the favorite schemes of the French liberals (the municipal and departmental administrations) occurred, in which the horror of *federal* weakness and distractions was expressed with all suitable force. In short, the statues of the leading nullifiers ought to be set up in the vestibule of every palace in Europe, for whole centuries of the history of unsuccessful popular rule are not half so pregnant of eloquent defence of the old monarchical plan, as what occurred among you, from the second Monday in October to the 1st Dec. But I beg your pardon. The cursed topic forced itself upon me unsought and unwelcome. In short, things promise better at this moment in France than I ever expected to see them, and I do not know that that *gifted* country has any thing to envy (all things considered) any where else.

I have said nothing to you, though I have a great deal to say, about Catharine II. and her Russian confederacy. I rather think her successors have found a shorter and surer road to despotism.

Neither have I time to touch upon the *dark* topic you allude to. Undoubtedly it is full of alarm and anxiety. Dangers surround the subject on all sides; and to make the prospect worse, before you get this letter the House of Commons will probably have passed a bill for universal emancipation in the British West Indies, which, added to St. Domingo, will present you, at the mouth of the Mississippi, a *black* population of some 2,000,000, free from all restraint and ready for any mischief. The table of the House of Commons is groaning (as we say) under petitions for this consummation, and you have no idea at all of the horror which slavery inspires in Europe. That W**** admits papers of the stamp you mention, by no means surprises me. He is a bitter man and hates the South. I remember well a conversation Mr. Lowndes and myself had with him at Mr. Cheves' table, thirteen years ago. And so I have no doubt there are many, many others who think as he does. But, after all, what is to be done? And even suppose the worst that could happen without dissolving the Union, would it, could it be so bad as the desperate hostility they would wage against us, backed by the opinions of all mankind, aided by the events of the times, etc., if they were no longer under the restraints (be they ever so weak) of the existing connection? There is no subject that has a thousandth part of the interest this has for me,—I think of it continually, though, as G**** said once in the Legislature, it ends in my not knowing what to think, except that dangers are around and above and below and within our poor little State,—which may God preserve us from! I ask of heaven only that the little circle I am intimate with in Charleston should be kept together while I live,—in health, harmony and competence; and that, on my return, I may myself be enabled to enjoy the same happiness, in my intercourse with it, with which I have been hitherto blessed. *We* are (I am quite sure) the *last* of the *race* of South-Carolina; I see nothing before us but decay and downfall,—but, on that very account, I cherish its precious relics the more.—"If chance the sun with farewell sweet, extend its evening rays," etc. My ambition is dead, and I think only of *repose* and social enjoyment and usefulness hereafter. Yet my heart sinks within me often when I think of what may too soon be, and I say, in those touching words, "Why should not my countenance be sad, when the city, the place of my fathers' sepulchres, lieth waste, and her gates are burnt with fire."

Take care of yourself, and endeavor to restore to that city what once made it celebrated, and is now all that makes it desirable, and believe me, dear Holmes, with undiminished affection and esteem, yours ever, H. S. L.

From Mr. Legaré to the Hon. A. Huger.

BRUSSELS, 15TH DEC., 1831.

My dear Huger,—I received your letter, dated somewhere in the neighborhood of the Virginia Springs, some weeks ago, but have put off answering it in hopes of getting another from you on your (then) expected arrival at Pendleton, where one from me was, you said, waiting your coming.

It seems, from the state of the polls at the last election, that there is a sort of reaction beginning against the nullifiers. I regard the run made by Perry in Pendleton and Greenville as very important,—that is to say, in the former, where he must have received many votes to bring him so near his competitor. I feel animated by this change, and am half disposed to cry out with Wellington, after the last fatal failure at Waterloo, "Now, boys, up and at them." As long as we were a wronged people, as we were before the last tariff act, and so many of us compromised by loud and vehement invectives against the *usurpations* of the federal government, it was absolutely impossible to oppose a party dwelling upon such topics and wielding such resources as theirs. I felt all the unspeakable difficulty of that position in the debate of 1828, and though I succeeded then, am very sure I should have failed in 1830. That was my reason for renouncing my seat. I wished to husband my resources for better days, for it is a great mistake in a public man to suffer himself to be *used up* by unavailing and feeble efforts made *mal-àpropos*. Besides this, the indignation excited in a brave people by a system of oppression, not only confessed to by *us* all, but *first* and most passionately denounced by some of us, (myself especially,) had, by the contrivance of their demagogues, raised one of those popular storms where resistance is perfectly out of the question, and nothing remains to be done but to give way and *scud* for it, or lie to until the wind lulls. No man ever yet opposed such a movement with success, in any country under the sun; and those who talk about what Mirabeau would have done had he lived, to save the monarchy, have read the story of that day in vain. He certainly would have had his head chopped off before '94, and his body thrown where his ashes afterwards were. So would Bonaparte have fared, at that period, or any other, before men got sick of the hair-brained metaphysicians and empirical demagogues that brought France, at last, to the brink of ruin. To spit against such a wind, is, as Franklin or some other sage says, just to spit in one's own face. Besides, how could one who deeply felt the injustice of the tariff, answer it to his conscience, if it came to a fight, to take part with the oppressor, merely because his victim felt his wrongs too keenly?

The arts, therefore, practised by their demagogues, for ends

now perfectly explained by their recent coalition with the whigs, might have been pardoned and forgotten, in consideration of the good they had been the means of doing, had not their wanton return to the charge, without one colorable motive for such an audacious attack upon all our hereditary liberties, after every grief had been redressed, and in the midst of all the honest gratulations which a whole people, rescued from such a fearful crisis, were offering each other, in the best spirit of amity and mutual confidence and forbearance,—revealed the strangest perversion, either of head or heart, that has ever yet been witnessed in our still comparatively blessed country,—and such a one as I doubt whether even Jefferson himself would have approved, tho' the majority of Virginians have not *dis*approved it, at least.

But *revenons à nos moutons*. I am led to think, from all I hear, that C******'s theory is ended in fanaticism. Nullification is, with him, it seems, what the French call an *idée fixe*,—a monomania,—in short, he is *quoad hoc*, stark mad, just as H***** is, and perhaps one or two more of their leaders. It is really lamentable to think that C******'s pre-eminent abilities as a politician have been so wofully misapplied. There is nobody to be compared with him in the management of *men* and affairs,—in mere discussion he is not equal to Webster, whose genius besides has a beauty and elegance that the other is quite destitute of. I have no hesitation in saying, however, that he is by far the fittest man in the country for the presidential chair, and that, even now, I have no doubt, power would cure him of his metaphysical delusions, as it did once before.

You seem very earnest in dissuading me from my purpose of returning; and really the motives you urge for my remaining where I am are very plausible. If I consulted only my own ease, I should certainly take your advice; but I can't consent to do that. No man is free to dispose of himself according to his enlightened judgment. Our tastes, our character, our ruling passions,—these are our destiny. I am extremely well off here, but it is Rasselas in the happy valley; and the sort of occupation I have always hankered after is precisely what I want. I must own, too, that, without having the least spark of ambition, i. e., the love of power or the love of place, I feel that the post I occupy is rather below me; at all events, that, as a private individual, I shall possess more true importance in the exercise of my poor abilities, and enjoy more self-approbation. I shall, therefore, on no account remain at Brussels longer than next June twelvemonth,—when I shall have been four years from home. You may expect me, therefore, in Carolina, in the autumn of 1836. I know what I have to expect, but the truth is that, after living so long a time *as* I have here, I shall have no wish whatever to mix with the world in America. Not that I shall be at

war with it, for I trust, on the contrary, that I shall enjoy great peace of mind for the rest of my days; but I shall wish to form no social connections beyond the few that are *now* dear to me,—I shall live only for *usefulness* and *virtue*. No one can be more sure of his determinations than one whose experience is, in all respects, what mine has been both in pleasure and pain.

Fortunately for you, as I came to the end of the last sentence, my servant announced dinner, and broke off the thread of a discourse which promised to be as long and stupid as a congressional speech. Apropos of long speeches, I suppose you have felt more even than the generality of people on the occasion of poor Grimké's death,—considering how great a veneration you always expressed for his many virtues. I used to envy him that faith which could move mountains, with hope and charity to suit it. He saw every thing in America *couleur de rose*. He wrote to me just after the *fracas* about nullification and the pulling of the President's nose, and told me he was more than ever convinced that our affairs were in the best possible condition and our prospects brighter than ever. Voltaire's Pangloss was a fool to him in optimism. But if his notions were, many of them, very odd, and even wild and pernicious, (for so I think some of them were,) nobody can doubt his surpassing moral excellencies. Stephen Elliott, John Gadsden, and now Grimké: just consider what an irreparable loss for so small a community, in the last five years, and that of men the oldest of whom was only fifty-eight years, and the others in what is considered, in Europe, as the very prime of life. The worst of it is that, as such persons have never been produced any where else in America than in the low country of South-Carolina, so that soil is now worn out, and, instead of these oaks of the forest, its noble original growth, is sending up, like its old fields left to run to waste, thickets of stunted loblolly pine, half choked with broom grass and dog fennel. Take it all together, there are few spectacles so affecting as the decay of our poor parish country, which I often think of, even at this distance, with the fondness of disappointed love: for I have never, since I could form an opinion on such matters, doubted of the immense superiority of Carolina society over all others on that continent, and now feel it more than ever. The result of this state of feeling, however, is rather fortunate as things stand; if exile is to be one's doom, it is better to be able to say, like the old philosopher, to those who condemned him to it, that *they* are condemned to stay behind. I have heard of a whole host of deaths,—Horry, Lewis Simons, (an excellent man,) old Mr. Simons, etc., etc.,—not forgetting those rare rivals in making the fun stir on Pon Pon, S******* S**** and H**** M********,—Carolinians, both, in their good as well as their bad qualities.

The great news of the day, here, is the restoration of Welington and Peel. Sir Robert is arrived at London at last, has ıccepted office and is trying to form a ministry, but we don't as yet know the result. It seems Mr., now Lord Stanley, who left :he whigs on the question of Irish tithes, has been applied to, as indeed was inevitable, to take one of the folios, and the report was, at our last advices, that he had declined. If that is so, the game is up with the tories, for their only chance was to come in as *conservatives* and rally all moderate men, friends of the present constitution in church and state, against Lord Durham and the radicals,—and, I confess, I thought they would probably succeed, for I can't understand a whig of Stanley's description, or, indeed, any whig at all, not a radical, standing out upon a mere difference of *name* and *history*, when there is a complete identity of principle and purpose,—as there can be no doubt there is between the moderate tories and them. Brougham, the late lord chancellor, who was a low fellow and an arrant mountebank, did the mischief, and has gone down with a crash that has not left one stone of the whole fabric of his reputation and fortune standing upon another. As Madame de Staël once said of La Fayette,—he is like a tallow candle, qui ne brille que pour le *peuple*, et qui *puere en s'éteignant*. Lord Lansdowne, who was president of the council, passed through Brussels some weeks ago, just before the explosion. I met him several times at dinners, and had long conversations with him about the state of things in England, where I had seen him in June. He had not the remotest idea of being *out* so soon,—for the Duke was sent for before he had time to get back to London from Paris, whither he went from this. Their fall must have astonished *them* very much, though, I confess, it did not surprise me after what I saw in London and heard in the House of Commons.

Believe me, faithfully yours, H. S. L.

P. S. I am sure, if I had a chance, I could make a rousing speech at York or Lancaster.

The same to the same.

BRUSSELS, 12TH MAY, 1835.

My dear Huger,—I have this moment received your letters of the 12th and 20th March, and hasten to acknowledge their receipt before closing a despatch which is to go off presently.

It will give you some idea of the *frequency* and *fulness* of my communications with the United States, though living in a city which is literally the thoroughfare of Europe, to state that this letter of yours is the very first information I have had of your being the postmaster,—a piece of intelligence in every re-

spect so agreeable and interesting to me, might have been cor[illegible] municated in five words. The last letter I got from Petigru w[illegible]s dated so long ago as the 15th or 16th *Dec.*, although I ha[illegible]e written to him three or four since that time, and two of the[illegible]n *very long* ones. It is this almost total want of correspondenc[illegible]e with my home, that makes me feel a crowning void in my b[illegible]o- som here, which nothing in a sufficiently advantageous positio[illegible]n in Europe can fill up. I am *essentially*, and by blood and bon[illegible]e, a *domestic* man. I do not believe any human being ever wa[illegible]s created, more liable to home-sickness or *nostalgia* than I am ; and although loving and enjoying society very intensely, it i[illegible]s *only* the most select society, and especially that of people that [illegible] love and that love me. I have some such here, whom I shal[illegible] leave with infinite regret, but, of course, nothing can replace th[illegible] *set* among whom I was formed,—whose *manière de voir* and *manière d'être* are mine,—and in which I am sure of what I s[illegible] infinitely prefer to the highest personal consideration, or even admiration,—*sympathy*. *Here*, I have certainly no reason in the world to complain of the sort of estimation in which I am held, but then I am a foreigner, and *they* are foreigners,—I come, as M. de Dietrichstein, the Austrian envoy, always says, "from *the* other world"; and what interests me most profoundly,—events in which the destinies of *my* country and of all I love and care for are involved,—are, to them, like so many phenomena of the most distant stars in the firmament. The American newspapers never fail to bring me painful intelligence, of some sort or other, (for things are really getting worse and worse with us,) and yet I have to bury it all within me, and when I want to express my opinions or feelings on such subjects, I have to order post-horses and go to our consul, Mr. Patterson, at Antwerp, as I did last week.

If that mismanaged and vexatious French affair don't lead to a war, I shall see you, I hope, some time between next December and December twelvemonth at farthest, and, at all events, I suppose, by this last mentioned period. I enclose you a newspaper, which has been lying by me for some time. It touches, as you will perceive, that awful slave question, which public opinion in Europe is beginning to busy itself about in a manner calculated to awaken all the solicitude of a Southern man. In England, especially, people seem to be growing fanatical, and, as poor Grimké predicted in that speech at the Irish meeting in Charleston, in which he floored us all so horribly, disposed to repay us, with usurious interest, the benevolent intentions we have from time to time been showing for the oppressed of other nations. I do not wish you to make this paper at all public. It can do no good, and will probably do much harm. But you, and such as you, ought to be informed of the

signs of the times in so interesting a matter,—not to be alarmed, but to be on your guard. If the *Union were dissolved*, depend upon it you would have to encounter assaults from across the Atlantic, to which the machinations of the Yankee zealots, (but *are* there and have there ever been any Yankee *zealots?*) that McD. is raving about, are mere child's play.—But I have not time to talk politics. A word to the wise.

Believe me, etc., H. S. L.

The same to the same.

BRUSSELS, 21ST Nov., 1835.

My dear Huger,—On my arrival here yesterday evening from Paris, where I have been spending some weeks, (the king of the Belgians being there,) I received your letter of the 29th Sept., which, in spite of all your efforts to disguise your heaviness of heart, showed quite enough of it to cause it in mine. It is true I was wofully predisposed to *take* the complaint; for, not to speak of the contents of our newspapers, which have produced an effect in Europe not to be exaggerated,—I mean in making our *experiment* in federal-republican government be universally regarded as a *failure*. I had met with some persons from Carolina at Paris, whose accounts of matters there were darker by far even than my worst imaginings,—and God knows that is saying every thing. Young Dr. Nott (who married Mr. Deas of Camden's daughter) and his wife represent the whole country about the Wateree and Congaree, including that town and Columbia, as literally breaking up and moving off *en masse* to the West. Not only is it truly afflicting, for one so much under the influence of *local* attachment as I am, to think of the old families of the State leaving their homes in it forever, but there is a still more serious and deeper cause of regret in such a state of facts. It shews, what I have always *felt*, how terribly *uncertain* our whole existence in the South is. I remember, in better days, just after my former return from Europe, I used to regard with horror those deserted settlements, in which, after a few years, the young pine trees sprang up in the fields left to waste, and among the dilapidated buildings, as if the forest, as jealous as the sea, were impatient to obliterate every trace of the vain attempt of man to invade its vast domains. But then it was only Goose Creek, Williamsburg and St. Stephens', and perhaps, here and there, some other spots, while the progress of the back and middle country seemed amply to compensate for these partial instances of decay. Now, the disease is, it appears, universal, and South-Carolina, excepting the old parish country, is to be abandoned like a *steppe* in Mongolia or Tartary! And this, too,

remark if you please, is the condition of the whole *South*,—the new States will soon be exhausted in their turn,—and Alabama and Mississippi be deserted by their migratory possessors for *Texas*. Now, if it be true that *fixed land property* is of the essence of civil society, properly so called, what shall we think of our prospects as a *nation*,—a *people*,—South of the Potomac?

Alas! my dear friend, the Judge is right, as I very much fear, and, indeed, have more than feared, ever since I saw the success of nullification in demoralizing some of our best people. In America, you are not aware of what is going on about you, or are too familiar with it to appreciate its fearful character. Seen from Europe, and examined with reference to the experience of mankind in this old seat of their follies and sufferings, I have already hinted to you that it is thought as bad as bad can be. Nor is this opinion confined to any one party,—it is literally universal. I enclose you half a newspaper, in which you will see extracts from several others, embracing all the varieties of *political* sects. I beg you to observe particularly, as a Southern man, and to call our *friends*' attention to it, to what these remarks relate. Depend upon it, if you go out of the Union on that subject, you are gone without remedy or hope of salvation. Look at O'Connell, now the great agitator of *England*, and representing the party that is already in the ascendant here. He never lets slip an occasion to denounce us, with Nicholas "the murderer of the women and children of Warsaw", as objects of abhorrence and vengeance. So, as soon as Barton took his passports, the *Journal des Débats*, the *quasi*-government paper at Paris, opened against you, and said it was high time for Europe to speak out on that subject, and encourage and strengthen the abolitionists in the work they had undertaken. A French fleet goes out to the Antilles, without doubt, in contemplation of a war; and should such an event happen, you will see to what point they will direct their attack and with what *arms* they will carry on the contest. The age in which we live is, more than all things else, the age of *great* empires; and wo to the people that deliberately throws away that advantage, under any circumstances whatever, but, most of all, when the first effect of its doing so will be to isolate it among the rest, with institutions which they all denounce,—with half its population at war with the other half,—with a government yet to form, and springing up (as it must) in the midst of ultra democratic disorders and the storm of a civil convulsion and excess. In short, whatever some of us may think of the expediency of having *originally* established a Southern confederacy instead of the present, the day is forever gone by,—all the mischief, whatever it be, is done already,—and things can only be made worse, and desperately worse, by an attempt (a vain attempt besides it would

be, for the *South* will not make a united people) to rectify the mistake now.

My pen has literally run away with me, for it was not my intention to have touched upon this subject in this letter to you; but you have set certain chords vibrating in my heart, that make me utter such things in spite of myself. The thing you call *tyranny, is* so; the most unbearable of all,—that which has made men to run for refuge to *any* other form of society, however galling and odious. What makes the case yet more deplorable is that, by an eternal law of nature, the only way by which such evils, when they once become serious, can be mended, is by making them too bad to be borne. That is the *rub,—vestigia nulla retrorsum,*—every thing must be shaken down and washed away,—society must be supplanted by complete anarchy, and men have supped full of horrors and misery, before they *dare* to arrest such things: and then, great God! by what a remedy are they compelled to arrest them! And is it wonderful that we, the haughtiest of the free,—the most enthusiastic lovers of the blessed order of things under which we were born and educated,—that we should feel our hearts breaking as we survey the appalling prospect around us?

Only think of the *false* position in which that noble colony, of which we still love and admire the last ruins, was placed, in the pestilential swamps of Carolina? What a people would it otherwise have grown to: and how should we have shone among nations, had our now almost exhausted strength have borne any proportion to the politeness of manners and generosity of spirit which have ever distinguished our race?

With regard to what is doing in the South, I think it rather to be deplored than wondered at,—indeed, it isn't to be wondered at at all. *Salus populi suprema lex esto,* is the foundation of all codes. It is, indeed, an instinct, and the strongest of instincts. You may just as well reason with a man drinking his fellow-passengers' blood, in a long-boat twenty days at sea after a shipwreck, about doing no murder. So as to the post-office. Stop the pamphlets, certainly, and P****** (for I recognized his hand immediately in a letter to Gouverneur at New-York) is quite right in saying Kendall did not push the matter as far as it could go, in *his* (otherwise well written) *rescript. But* then, P****** is *most certainly* wrong in supposing that Tappan, etc., may be demanded. The Northern people *dare* not give up those men. Nay, it would not be suffered,—and, if it were, it would do infinitely more harm than good to us, by *putting us in the wrong* (the worst of all misfortunes), and embittering against us the feelings of all good men, of all nations under the sun. You have done enough for the present,—at least enough: let the South

be still,—at least, let it be satisfied with the very kind demonstrations of the North: let it not push matters so far that men of all parties there will feel themselves bound in *honor* to make war on us. We ought to think only of calling on Congress for some of the surplus money for our *defence*,—for we must come to actual defence, and give up *Lynch law*,—a good thing only in the absence of all other good things, and in the midst of all evil ones. I hav'n't time to say more on this subject now, but shall probably write soon to P****** about it.

With regard to your enquiries about my poor self, do you think, dear Huger, that one whose illusions have been all, one after another,—"star by star,"—dispelled, can have the heart to think of himself? "Satisfy my ambition!"—Why I never had any *ambition*, properly so called: it was, perhaps, my bane to have none: the aspiring after *excellence*, which people mistook for what it is so different from, was for its *own sake*, and, I will add, with the hope of being useful to a country of which I was proud and felt honored to serve. My *immense labor* for the Southern Review, (which they saddled me with, as if it had been an hereditary estate,) do you think I went through so many nights (summer nights, too) of watching and toil, because I hoped to be spoken of with some terms of compliment in our own newspapers, or even by foreigners? If so, why don't I write *now*, when pressed to do so? No—no. I thought I could help to shew that people did not know what our race was:—I *felt* that, in speaking its language, I should be thought eloquent,—and I have not been mistaken. But I wrote as an American, and, especially, as a Carolinian,—and for some reasons you wot of, I fear, "Othello's occupation's gone." At all events, as you will probably have learned ere now, for better for worse, I return next summer,—certainly with a heavy heart, and almost despairing of all I ever wished to see realized, but with a determination to do what I can to make myself useful,—if it be possible. *You* may, for instance, count upon your wines, if I can procure them of a delicate taste, though, for my own part, you will be surprised to learn that, for some fifteen months past and more, I hardly ever do more than *taste* wine, and am a very pattern of sobriety in meat and drink,—to avoid *gout* and some other *appurtenances* of my forefathers' constitutions.

Your *Jew* made me smile *sadly*,—for it reminded me of poor B** H****'s hearty laugh fifteen years ago, at the horror I expressed at a certain "Marchand en fer,"—which he called the last dying embers of aristocracy.

Pray remember me to Madame, the Judge and all, and believe me ever yours,

H. S. L.

Mr. Legaré to his sister.

BRUSSELS, MAY 5, 1833.

My dear Mary,— * * * Something more than a week ago I went to Antwerp, to breathe once more the air of the sea and see a *ship*,—two things that I never feel easy in being separated from for any length of time. While there I bought you a pretty collection of the newest and most fashionable music I could find. Among the pieces sent, you will find no less than one hundred overtures by all the most celebrated composers, together with favorite waltzes and gallopades, played and danced every where in Europe,—*pot-pourris* for the piano-forte, made up of variations on favorite *motifs* of some popular operas, such as *Robert le Diable*,—a magnificent affair by Meyerbeer, a German, brought out at the grand opera at Paris last year,—the *Muette di Portici* of Auber,—Zampa, or La Fiancée de Marbre, by the same, etc., etc. I left the parcel with Mr. Patterson, our consul there, who promises to take particular care it shall be carried safely to you. The music of *Zampa* is excessively admired here, as well as that of the *Muette*, which pleases me more. The whole second act of the latter runs upon the air, "Amis la matinée est belle", and is very spirited and agreeable. *Robert le Diable* is a master-piece of musical composition, which puts Meyerbeer upon an equality with Rossini, and it is got up at Paris with all the pomp and splendor of their unrivalled opera. The subject is a fine one, and gives a sort of epic, religious grandeur and solemnity to the whole exhibition, which recalls the sacred music and gorgeous though gloomy display of the Romish service, in one of their glorious old Gothic cathedrals. The scene, especially, in which Count Robert's father, Bertram, (the devil in human form,) contends for the soul of his son with Alice, the depositary of Robert's departed mother's fatal secret and last injunctions, is admirably executed. The part of Alice was performed by Mad. Falcon, who both sung and acted with all the vehement zeal and energy required by a struggle about a human being's eternal welfare, with an infernal adversary present in flesh and blood. I never felt so much *interested* in an opera before,—I mean so rationally interested, for you know I have always been excessively in love with that charming *spectacle*.

At Antwerp, where I passed last Sunday, visiting the churches, I had an opportunity, which I wish you could have enjoyed with me, of seeing once more the most renowned master-pieces of the Flemish school. I went to the cathedral at nine o'clock in the morning, and was present at high mass. You may remember hearing me speak of this admirable church, after my return from Europe thirteen years ago. It is an immense edifice, which was building during the whole of the fifteenth century.

the period of Antwerp's greatest commercial prosperity, and when, indeed, it was the great centre of European business and capital. Its spire, which is upwards of 460 feet high, is one of the most beautiful remains of that sort of architecture extant; and the interior is distinguished by the grandeur of its effect, owing to its vastness, the immense height of the roof, the colossal magnitude of its pillars, and the perfect simplicity of the style. Judge for yourself what an impression a building 500 feet long, 230 wide, and 360 high, presenting the most imposing Gothic forms, consecrated to religion, resounding with the voice of Christian thanksgiving and supplication, and adorned with the masterpieces of genius,—must make. But you know I hate descriptions, and so I will proceed merely to tell you that I gazed once more and with increased pleasure upon the three famous works of Rubens, that belong to the cathedral,—the "Elevation of the Cross" on the left, and the "Descent" from it, on the right of the *nave*, in the cross *aisle*, and the "Ascension of the Virgin" over the grand altar in the choir. One of the wings of the first of these pictures is the "Visitation", which is a charming picture, and I looked for half an hour, at least, with doating pleasure, upon the sweet and modest countenance of the conscious virgin-mother. At a later hour of the day Mr. Patterson joined me, and getting into my *calèche*, we drove to the church of St. James. This *wonderful* monument, or collection of monuments, had either escaped my observation the first time I visited Antwerp, or (which is hardly credible) my recollection since. I have never seen any thing half so rich as this treasure, whether it be considered with regard to the display of all the finery of the Romish church in the day of its splendor, or the assemblage of a still more striking variety and multitude of works of art. To be sure, I have never been in Italy, and the French revolution has swept all the Continental churches I have seen with its besom of destruction,—while the zeal of the reformers had stripped those of England and Scotland of all the frippery of the spiritual Babylon long ago. The carving in wood and the sculpture in stone and marble that fill every chapel, nay, almost every spot of this church, and the painting of the windows, are really wonderful. To complete its glory, there is a delicious painting of Rubens, executed by himself for the very purpose it has been put to, which is to adorn his sepulchre, (for he was buried here, and a simple black marble slab, in a chapel at the side of the choir, marks the spot). In this *posthumous* painting, he represents the infant Jesus on the knees of his mother,—the Madonna (a beautiful creature, as the child is a perfect cherub) being, it seems, the likeness of his adored mistress, while the three female forms that are looking at the sweet child are images, it is said, of his three successive wives. From this church, in which I wished

for Charles Fraser a hundred times, we went to the Museum, which contains many fine pictures,—among which I was particularly struck with a copy, in miniature, by Rubens, of his celebrated "Descent from the Cross." It is a charming picture, and I felt (what I am told many others before me have experienced) a strong impulse to steal it. The colouring is as vivid and glowing as your Southern sky. Another painting of prodigious power, here, is a famous *chef d'œuvre* of the same great master,—Christ between the thieves; but it is not seen to advantage, and I was glad to hear the remark I made, that it was hung too low, had been anticipated by a distinguished artist. There is, also, in this collection, a "Christ on the cross" by Vandyke, whose "Crucifixion", over the altar-piece of the cathedral at Malines, I had seen the day before on my way to Antwerp. You know Vandyke is renowned for his portraits, in which department of the art, indeed, he has no rival. Nothing can be imagined more perfect: they live and breathe before you. But I have never heard as much of his excellence in *historical* painting, as I think it deserves. He certainly wants the invention, boldness, strength and colouring of Rubens, and may be considered as, upon the whole, an inferior genius. But then there is so much grace and soberness,—such a "rapture of repose",—and I know not what indescribable classical sweetness about his *forms*, that I yield a very hesitating, reluctant assent to the opinion of better judges, who give the palm to Rubens. From the Museum we went into the study of a very young artist (Wappers) of the same city, who seems likely to maintain the reputation of its school. I saw some brilliant *sketches* and some admirable portraits there: among the latter, one of King Leopold on horseback.

We closed our day's tour with the church of the Dominicans, where there is a picture (by Rubens), "the Scourging of Christ", of the most frightful and hideous truth. Nothing can be more horribly natural than the blood-shot skin, the black and blue wheals, the clotted gore, etc. This church is also remarkable for one of the most singular monuments of Romish worship that are any where to be found, and very characteristic of this most Catholic of all Catholic countries. This is a representation in stone of Mount Calvary,—a rude, wild, rocky scene, thronged with the statues of apostles and prophets, while, at the summit of the crag before you, the Saviour hangs upon the cross,—the blood, spouting out of his side pierced with the spear, and falling in a parabolic curve into I forget what: I think it is *caught* by one of the apostles in a vessel of some sort. Beneath the rock of the crucifixion, there is a sort of grotto or cavern, to which the spectator ascends by seven steps, worn by the knees of the penitents who crowd hither during passion week. There is a mysterious silence about the recess, in which, it may be, a

few humble sinners are upon their knees, devoutly gazing upon something half concealed within a sort of lattice. You look in, and see a corpse stretched out and shrouded in costly grave-clothes of white silk, tricked off with glitter and tinsel. It is the tomb of Christ, reposing after the "Descent." Hard by, on your left hand, within another enclosure, a still more singular and striking scene presents itself. This is no less than *purgatory* itself, with its flames and torments, in the midst of which a crowd of sufferers stretch forth their hands, and lift up their weeping eyes, as if imploring the intercession of the spectator on their behalf. It is enough to make the stoutest Protestant pay for a mass for the dead; and, take it altogether, I never saw any thing so well calculated to affright the imagination of a true believer, as this same church of St. Paul with its appurtenances.

I returned to Brussels last Monday evening. The spring was not at all advanced, for the weather continued horribly cold and capricious. Within these three days it is entirely changed,—it was even *hot* yesterday,—and the verdure of a new foliage has suddenly covered the trees as by enchantment. I look out while I write upon my beautiful little garden, which is already blossoming all over, and sends up into my *princely* saloon the most delicious perfumes. Beyond it, the double row of trees in the Boulevards are waving their tender green leaves in a most soothing south-wind, and, in the back-ground, the whole face of the earth, diversified with hill and dale, seems smiling upon me to tempt me forth to my daily promenade. I shall obey the call, for it is *three* o'clock, and a severe rheumatic pain has kept me at home a good deal for the last three days. I ventured out yesterday, and experienced a charm in the first warmth of summer, like that exhilration which the spirits of the just are described as enjoying, as they bathe themselves in the light of Elysium. At Prince Auguste d'Arenberg's, where I dined, all the company were complaining of the sudden and excessive heat, but I told them it had the same effect on me as the liveliest sparkling champagne. A glorious full moon closed and crowned the day, and never was evening more soft and lovely. Here's a description for you,—but, you know, I am an enthusiast about fine weather. Nothing but female beauty,—not music itself,—has such an effect on me; and, in my delightful house, I have every advantage for enjoying all the charms of the *belle saison*.

May 8. I walked to-day in the *Parc*, and found it enchanting. These deep groves in the midst of European capitals, presenting the solitude and freshness of the country, the singing of multitudes of birds, etc., give them a great advantage over our cities. The weather is absolutely delicious, and I revel in it.

I mentioned to you that I had made the acquaintance of the Marchioness of Hastings and her daughters, who are sweet, lady-

like creatures. With Lady Flora I am quite in love. She exactly comes up to my idea of what a wife ought to be,—a tall, blue-eyed, high-born English lady,—*perfectly* English with all her knowledge of the world, and having the charming ease of high rank without its haughtiness.

I received, yesterday, a letter from mother. Adieu.

H. S. L.

Mr. Legaré to Henry Middleton, Esq.

BRUSSELS, 25TH MARCH, 1835.

My dear Harry,—I arrived here in thirty-three hours after I left Paris,— this day a week ago, at 10 o'clock, P. M.,—safe and sound. And now all my thoughts are about getting away again as speedily as possible. In a few days I shall set about packing up and sending off my *traps*, as the English call them, to America, whither I shall follow them in person somewhere between July and October, according to circumstances.

Lady Hastings has sent me *two* pressing invitations to go and see her at Loudoun Castle in Scotland, some time before I embark,—the which, as at present advised, I shall not fail to do, for, *entre nous*, I am charmed with at least two of her daughters,—*one* of whom, Lady Flora, (not *Corah*,) is the creature in the shape of woman I most admire of all I ever saw, albeit neither pretty nor graceful, but such a *head*, such a *heart*, such a *soul*, and such *English* virtues unsophisticated, and such a spirit of a high-born ladye,—for, you must know, they are of the best blood in England, and daughters of the Plantagenet without dispute. But, *although* aristocratic in descent, they have more *sense* than any other women I ever saw, and less of the folly and meanness of all the vanity of this world.

Meanwhile, let us talk of the *present* and *paullopost* future. I think of leaving Brussels, in my own carriage, (that is, one hired for the nonce,) about the 8th–12th of April, and making or taking a *course* in Germany of about four or five weeks. I shall travel over a great deal of ground, but very *rapidly*,—I shall go often *all night*. My objects are Dresden, (a week); Leipsic, (some days); Munich, (ditto); Berlin, (ditto); and perhaps Vienna, (a week); Nuremberg, (a day or so); Augsburg and Frankfort, perhaps Heidelberg; then down the Rhine and back to Brussels, to take my formal leave, on or about the 1st of June. Have you no wish to accompany me? There will be a place for you in my carriage, and all you would have to pay would be your own living and *one* horse. If you have a mind to join me let me know immediately, (for I have no time to lose,) and say nothing about it, for your American friends at Paris are great

blabs,—(by-the-bye, I found the story of the *dentist* that called on me, quite *répandue* there, and dare say it will meet me at Philippi,—that is, at some *election* in America). If you can't join me, either on account of your health, which, I trust, will no longer be an impediment to your change either of *place* or condition, or for any other reason, then we must think of the summer. One can, it seems, go from Vienna to Constantinople by *steam*, and I am thinking of making a tremendous tour, from June to Sept.,—nothing less than to the Hellespont, the Ægean, and the Jordan,—thence to Italy, back to France and England. Rouse up and accompany me.

Pray give my best compliments to our sweet little friend. Don't neglect the Arconati's,—and I wish you to overcome the obstacle between you and ———. You are giving way too much to the *indolence* that possesses us all every where, but especially when we are at Paris. Some of my greatest regrets are for what I sacrificed to the *far niente* disposition at Paris, when I was younger, and ought to have seen and learnt, instead of *lounging* and trifling away my time.

Ever yours, H. S. L.

The same to the same.

BRUSSELS, 12TH JUNE, 1836.

My dear Harry,—I have just received your letter of the 9th, which is the second I am indebted to you for,—rather a singular circumstance in my correspondence, for I am generally very exact in answering letters. This time I was waiting to be able to speak with some positiveness as to the day of my departure hence, which is *now* at last fixed. I take leave of the king to-day at one o'clock, (Sunday,)—stay here to-morrow to pay p. p. c. calls, and dine with some of my colleagues and friends at a *diner d'adieu* at the Brazilian minister's, and set off the next morning early for Antwerp, where I expect to embark at twelve o'clock on Wednesday for London, bag and baggage. I am advised, and probably shall conclude to go by a London instead of a Liverpool packet, but I am not quite decided as to the moment of this final embarkation, or rather, I should say, great embarkation, for I had forgotten the steam-boat from New-York or Norfolk to Charleston. You shall hear from me probably at London, some time or other before I set out for America. I have an idea of taking a trip to Edinbro' by steam, and thence, travelling by land, through Glasgow and Liverpool, etc., back to London,—all in a fortnight, for I have no time to lose, and I am anxious about the state of things on the south-western frontier. A new *era* is evidently begun in our politics, and, to judge from their

speeches, our public men do not seem to be sufficiently aware of it. We have at last a *neighbor*,—that is, a *natural enemy*,—in the empire of Mexico; and we must be prepared at *all* times to resist the secret machinations and open attacks of that power,—but especially the former. She happens to have the *heel* of the Achilles (since you like to be upon that *foot* with me) turned towards her, and may make him writhe, at least, if nothing more, with a bare bodkin. *Vous comprenez.*

As for waltzing, I am decidedly of the Bishop's way of thinking in the matter, though *not* for the reasons you mischievously attribute to him. All importations of foreign usages are bad, for albeit a thing be not impure in itself, yet it defileth him that *thinketh* it impure. In short, our notions, and those of the English too, of *pudeur*, modesty, propriety, are all different from these foreign ones that are now supplanting them,—and thank God they are. If you like my sermon, profit by it,—if not, remember I preach in self-defence, or by retaliation upon you; and as it happens, it is Sunday and church time. Amen!

You do not speak of your own purposes in regard to travelling this summer. I saw all old bachelors denounced as unfit to hold any office of honor or trust under the government of the United States, in a speech of one Mr. Wise (not Mr. Wise-one) in Congress, the other day. It is very provoking to have been twice in the *future in rus*, and find oneself, for all that, getting fast into the plus quam perfect past. Apropos, I had a housefull here the other day,—three nice girls, simple, *naive*, pretty, and not *un-clever*.

Our country-woman, Lady Stafford, (late Miss Caton of Baltimore,) is here. I like her excessively. Lord S. called, and made me dine with them immediately *en famille*. She has a daughter-in-law, *Bella* Jerningham. "O Jeptha, judge of Israel, what a treasure," etc. I shall never get her eyes out of my heart.

Yours, forever, H. S. L.

Mr. Legaré to Thos. C. Reynolds, Esq.

WASHINGTON, DEC. 4, 1838.

Dear Sir,—I send you the passports, and some letters of introduction, for Brussels and Bonn. Try, by all means, to become acquainted with Count Arrivabene, who resides at the former place, (or did so until very recently,) but is often at the latter, where some friends of ours, of high rank, are or were in the habit of passing many months every year. The Count speaks English pretty well.

At Bonn, pray ask Weber the bookseller when he will let me

have the 4th vol. of Aristotle, (Bekker's edition,) for which I paid him in advance the last time I was there. There is an edition of Schiller's works, which was coming out at Stuttgard or Tubingen, (Cotta's,) when I left Europe. There were nine volumes already published, and three still due. I want these three to complete my set. The booksellers, Mayer and Summerhausen, Rue de la Madeleine, at Brussels, sold them to me and promised to send the others. I wish, if it come in your way, you would enquire there (it is the principal business street in Brussels) whether they are to be had, and let me know by letter.

I shall always be glad to hear from and of you, and now bid you adieu, with my best good wishes and the assurances of my esteem. Truly yours, H. S. L.

[Enclosed in the above were letters of introduction to Virgil Maxcy, American Chargé at Brussels; Hon. Henry Wheaton, American Minister at Berlin; M. le Chevalier Auguste Guillaume de Schlegel, (Aug. William Schlegel),—at Bonn; and M. le Comte Arrivabene, at Brussels. Of these I delivered those to Mr. Wheaton and to M. de Schlegel, and have no copies: the latter (as the former) was written in a style which indicated familiar acquaintance with the person addressed. That to Mr. Maxcy I have mislaid: but it was short and merely a letter of introduction. The following is a copy of the one to Count Arrivabene, an intimate friend of Mr. Legaré. He was exiled from Lombardy, his native country, for some share in the conspiracy of Confalonieri, and resided, as did also his friend, the Marquis Arconati, at Brussels. He has written some works, which have attracted some attention, (there is one mentioned in the catalogue of Mr. Legaré's library,) and has now, I believe, returned to his native land. I never had it in my power to deliver this letter. T. C. R.]

WASHINGTON, X^brr 4, '38.

Je vous écris un mot, mon cher Comte, pour vous accuser réception de votre aimable lettre, et en même temps pour vous recommander deux jeunes gens de mon pays (Charleston, Caroline du Sud,) qui vont à Bonn, pour y faire leurs études universitaires. Ils se nomment Thomas Reynolds et George Guerard. Veuillez, je vous prie, vous interesser à ces pauvres enfans qui vont si loin de leur parens et de leur patrie, dans un but aussi louable. Hélas! qui fait mieux que vous la désolation du pauvre exilé, et combien il est doux et touchant de trouver des amis là où on n'ose espérer de rencontrer que des etrangers.

Si nos amis, les Arconatis, conservent toujours leur habitude d'aller passer quelques mois à Bonn, je vous serai bien recon-

naissant si vous vouliez les intéresser aussi á ces jeunes Américains.

M. Reynolds vous donnera de mes nouvelles. J'ai eu le malheur ou bien le bonheur (qui sait?) de perdre mon élection à Charleston à cause de ma propre insouciance, de sorte qu' après le 4 Mars prochein je ne serai plus membre du Congrès.

Tout et toujours à vous.

H. S. LEGARÉ.

Mr. Legaré to Mr T. C. Reynolds, at Berlin.

CHARLESTON, JUNE 7, '39.

Dear Sir,—I am very glad to find, by the letter with which you favor me from Berlin, that you are established there to your satisfaction. You will, no doubt, by this time, have become acquainted with most of the distinguished men of the University, especially with M. de Savigny. There is a work of that great man's, which I sent out to America, and expected to find among my books when I came home, but have not been able to lay my hands on. Its title is Der Beruf unserer Zeit zur Gesetzgebung, or something like that, in which the author developes the doctrines of what is called the "Historical School" of Germany. I have sent for it again, but am so anxious to get it that I have a mind to ask you to send it to me. But there is a work that I must positively have, as soon as I can. It is one of the great critic, M. Bekker, on Demosthenes. The title is "Demosthenes als Staatsman und Redner." You will really do me a very great favor by sending it to me. I should be glad, at the same time, to get the common *octavo school edition* of Bekker's Thucydides. The larger work I would very much desire, but I have already two editions (expensive ones) of the same historian. You will learn the value of that scholar's labors in philology before you leave Berlin.

We are getting on here much as usual. The city becomes more and more pretty, every day, as the rebuilding goes on.* As to politics, I know nothing about them. They have been pleased to express great regrets at what they have done, but it is too late. My determination to go to the bar, and let public affairs alone, is fixed.

Pray make my compliments to your young fellow-traveller, Mr. Guerard. He, like myself, is a descendant of the Huguenots, and will find many of the same race at Berlin. M. de Savigny, I believe, is one of them.

* This was written one year after the great fire of '38 in Charleston.

I send this under cover to Mr. Wheaton, in whom you will have found, no doubt, a kind and useful friend.

Believe me, dear sir, etc., H. S. L.

P. S. I thank you very much for the political information you give in your letter. Pray write immediately, and fill your pages with as much of the same matter as you can gather.

Mr. Legaré to Mr. T. C. Reynolds, at Heidelberg.

CHARLESTON, 23D APRIL, 1840.

My dear Sir,—I am quite ashamed of my remissness in not acknowledging, long ere this, how much I am indebted to you for your two favors, which I received in the course of the winter,—as well as for the books. These latter came to hand not very long ago: the Thucydides was just what I wanted, and it happened to arrive when I stood most in need of it, for I was writing a paper for the New-York Review, in which I had occasion to be very critical in my notice of the great historian. The "Demosthenes" of Bekker is not precisely the work I wanted, though so much like it in name as easily to be mistaken for it, and so much on the same subject as almost entirely to take its place. Still, I should be glad to have the work—an *earlier* one of the same author—I spoke of. It is simply "Demosthenes als *Redner und Staatsman*"—als Schriftsteller being omitted. This last work you sent me contains, however, I dare say, very much the same things,—of course, improved by subsequent research.

I dare say you find Munich an agreeable residence. Poor young Drayton Grimké and McMillan King seemed to be very much pleased with the society and other advantages of that city. I spent but a few days there myself, but was charmed with its situation as well as with the agricultural improvements of the town.

As to your studies, if you look forward to the study of law, you ought to make yourself master of the Civilians while you are in Germany. It will be an immense advantage to you when you come to study the common law, for, after all, the differences between the codes of nations are not very great, and they reflect infinite light mutually upon one another. If medicine is to be your future profession, of course you will pursue another course. The physical sciences ought, in that case, to engross your attention,—especially botany and chemistry. Of course, you will find time to cultivate, as secondary objects, however, other branches of knowledge, but, at any rate, I would have you study political and literary history, for which your knowledge of the German will furnish you with immense facilities. Don't neglect Latin.

It is easy to acquire a thorough knowledge of it, by writing it occasionally. Translate first into English, and then back into Latin, and you will thus find yourself master of all the idioms and refinements of a tongue, which is a key to a world of knowledge, from which you will be otherwise wholly shut out.

If you see the New-York Review of July, you will read in it the leading article "on the Constitutional History of Greece" and "the Democracy of Athens", which is by me. I should like to know whether the learned men of Germany think such things worthy of their notice. I published in the 10th No. of the same work an article on Roman Legislation, of which the main object was to bring to the notice of our American public some of the learned works of the *actual* schools of Germany. I made two or three slight mistakes,—but they are inevitable in periodical literature, which is always hasty.

I have no idea of entering the political arena again; though my experience has abundantly convinced me how little one's purposes and wishes have to do with shaping one's destinies. My private circumstances, however, imperatively demand my attention to some sort of business, and I have none to go to but the law. I have argued, this winter, some causes of importance.

Pray write to me,—you have so much the advantage in the intelligence you have to communicate. You know what a sombre monotony our life is: nothing (except troubles) ever occurs here. Remember me, if you please, to your compagnon de voyage, and believe me, etc., H. S. L.

The same to the same.

CHARLESTON, FEB. 6, 1841.

Dear Sir,—I have been for some time in your debt for a very interesting letter from Heidelberg, which I should have answered before, had I not been quite oppressed with occupation of one sort or other. Your information on the actual state of things in Germany seems to be very correct, and is altogether acceptable to me. I could ask for no greater favour in the way of correspondence, than just a repetition of your last.

Your note in reference to a still more protracted stay in Europe, was handed me by **** some time ago. I expressed to him, very much at large, my sentiments upon the subject generally, and as he seemed to concur with me, he pressed me to write to you substantially the same things. I told him I would do so, and now fulfil my promise. * * * * * *

But, in truth, however attractive such a stay might appear to you, I do not think a more unfortunate event could happen to you than just to have your wish gratified. At your age I was in

Europe, and had precisely the same desire. I well remember that, of all my youthful wishes, it was the strongest. I *now* know—by much and, I must add, painful experience—that nothing would have been more fatal to me in the whole course of my subsequent life. Even without such an obstacle to one's preferment in this eminently practical and business-doing country, as the having passed many years abroad, and in the atmosphere of courts, when just grown up, I have found my *studies in Europe* impede me at every step of my progress. They have hung round my neck like a dead weight,—and do so to this very day. Our people have a fixed aversion to every thing that looks like foreign education. They never give credit to any one for being *one of them*, who does not take his post in life early, and do and live as they do. Nothing is more *perilous*, in America, than to be too long *learning*, and to get the name of bookish. Stay in Europe only long enough to lay the ground-work of professional eminence, by pursuing the branches of knowledge most instrumental in advancing it. Let me, therefore, advise you to come home and study a profession. Whatever you may think of these opinions now, I am quite sure you will fully subscribe to them ten or fifteen years hence.

The book you speak of (Demosthenes als S. u. R.) has never come to hand. There seems to be a fatality attending it for me.

I have only to add that I am very much pleased with the evidences which your letters afford of high and, what is better, sound intelligence, and that I hope to see you reap the fruits of it in future life.

Meanwhile, I am, etc., H. S. L.

Mr. Legaré to his sister.

BRUSSELS, 2D MAY, 1834.

My dear Mary,—* * * * We have had a sad affair here, which has totally *boulversé* our society. I sent a circumstantial account of it to Petigru, whom I requested to forward the letter to you. It was the sacking of fourteen or fifteen houses, many of them of the greatest personages here, but not well affected towards the government, by a banditti of apprentices and journeymen, on a bright Sunday morning, in the midst of the people of Brussels, and before the eyes of the authorities, civil and military, who merely looked on as spectators,—not for any want of inclination to interfere, but because the rickety revolutionary government really dare not get into a scrape with the mob which created it. The effect, as I said, upon our society, has been very bad,—for not only have some of the first houses been broken up, but some English of distinction, who intended to reside here,

have been prevented from doing so by the fear of these popular eruptions. To make the matter still worse for me, and indeed all of us, we sustained an irreparable loss, a few days afterwards, in the death of the charming young Countess de Latour Maubourg, wife of the French ambassador, who died, at the age of nineteen, in giving birth to her first child. I can give you no idea how much I have felt this misfortune. I happened to see her the day before her confinement, blooming and cheerful, but rather alarmed by the above-mentioned exploits of the *banditti;* the day before, but counting on better days, and as happy at home as possible for a woman to be, as she constantly said,—for what could be more brilliant and blessed than the situation of a young lady, married to a perfectly accomplished gentleman of the old school, who, to all the elegance of that school in France, united the domestic habits of an Englishman, and *loved his wife*,—while her own private fortune, and his station, as minister plenipotentiary, ensured her all that a woman's ambition can aim at in society. Just see how unfortunate I am in the loss of friends,—which I feel the more sensibly from my isolated situation here. It is so strange! to have been in Brussels less than two years, and to have already survived so many on whom I counted for making my time pass agreeably. The Hastings' are still here, but I fear they will not continue long. They are my chief resource, and I feel an interest in them which, though not without a touch of sadness, is very lively. I shall never be able to think of them without regret,—unavailing regret.

I began, yesterday, (for it is quite an epoch in my life,) to read Goëthe's Faust in the original, and am happy to find it less difficult than I was led to expect. It is now eleven months since I first began to learn German,—from this must be deducted two months for my visit to Paris, etc. Owing to the cessation of the dinners and soirées, in which I was perpetually engaged during the whole winter, I now have hardly any thing to do but to read,—which, I assure you, I do to some purpose. I have been prevented from taking the tour in Germany, which I expected to make this summer, and shall, therefore, with occasional excursions in the neighborhood, remain at Brussels. Should nothing happen, I shall devote all that time to the acquiring the sort of knowledge which most attracts me now,—politics and the history of man, including that of the church. * * * I shall make some profit of that time, with a view to the great end of life,—the learning *to be wise*,—not for purposes of vanity and ostentation, but of happiness in myself and usefulness to others. I wish I could impart to you some of the philosophy which is beginning, *at last*, to reconcile me to the world, wearisome and evil as it is. You may be assured that the best of all moralists is pleasure. One learns *temperance* from being always tempted

to *excess*,—and contentment with little, by experiencing the vanity of wealth and honors. Apropos of vanity, etc., I was playing whist last night with Prince Louis de Rohan, who had a law-suit some time ago with Louis Philippe, about the fortune of the late Prince de Condé, uncle of M. Rohan. The Prince de C. was the last of that illustrious house, and left a fortune of 60 or 70,000,000 francs, *by will*, to one of the sons of the king and a mistress of his own, Madame de Feucheres. The Prince Louis attacked this will and failed, for which, and perhaps other reasons, he has to live out of France. He had on the table a snuff-box, with *three* miniature portraits upon it,—one of his grandfather (I think) M. de Soubise, with his two aunts, one of whom was the late Princess de Condé. The house of Rohan is one of the greatest in the world; and while I was cracking jokes with him about Pere Philippe, of whom he speaks rather disrespectfully, I could not help thinking of the downfal of the mighty ones of the earth. He is a perfect specimen of the old libertine grand-seigneur of the vielle cour. You know, as Huguenots *we* have a right to feel an especial interest in the house of Rohan and Soubise, who were among the prominent leaders of the Protestants in the time of the League.

I should have made this letter longer, but while writing it an Irish friend came in, and talked away so much of my time, that I have barely enough to add my love to you all, and the assurance that I am most faithfully yours, H. S. L.

The same to the same.

DOVER, 21ST JUNE, 1834.

My dear Mary,—I don't believe I mentioned, in any of my former letters, my intention of coming to England. Indeed, I had entirely abandoned the project until two or three weeks ago, when, living rather *below par*, as the brokers have it, in point of health, and horribly *ennuyée* at Brussels, (which some late affairs have made intolerably stupid,) I fell into temptation. Dining one day with Lady Westmoreland, her niece, Lady Paulett, suggested I had better cross the channel. The former insisted upon it so strenuously, promising me letters, etc., that in short, *me voila*. I arrived about an hour ago,—it being very, very warm for these climates, where there has as yet been no summer. * * * * * * *

The next day, I travelled from Antwerp to Ghent in my own carriage, through the very finest country I ever saw, or any body else, I believe, called the Pays de Waïs. Every acre of it is in the most productive state,—it is a perfect garden; and yet, I am told that a century ago it was a wild waste, and that it was its

immense fertility altogether and cultivation which have turned it into the flourishing garden I saw. I left my carriage, which I sent back to Brussels, and taking a footman with me, got into a diligence, and arrived at Lille, in France, at 5 o'clock in the evening, after a very pleasant day's journey, which was a most agreeable disappointment,—for when I first got into that "infernal machine", which the French call a diligence, one would suppose because it goes rapidly, (generally it goes very slowly,) I was absolutely nervous, and had a mind to get out again at once and go down to Ostend, and embark in the steam packet-boat there. However, I persevered,—braced up my resolution, and, as I said just now, became so completely reconciled to my new situation, that, in spite of my excessive self-indulgence and love of ease, I have seldom passed eight hours more agreeably in any kind of carriage. Leaving Lille at 5 in the morning, and passing through Dunkirk, etc., to Calais, at 8 in the evening. This morning set out in a little steam-packet, and reached this after four hours' passage. I shall proceed to London to-night. I bring letters from Lady Westmoreland to her daughter-in-law, the famous Lady patroness of Almacks, and head of all fashion, whose acquaintance I am really curious to make,—Lady Jersey,—and to Lady Wm. Russell and Lord Bristol; and, from Sir R. Adair, to Lords Gray, Lansdowne, Holland and Brougham,—besides others. My stay in England will necessarily be very short,—not above ten days or so,—and I shall, perhaps, on that account, not profit as much by these letters as I otherwise should; but I still stand a good chance of seeing the haute-noblesse of England, in London life, to some advantage,—and it is now almost the only thing about which I have any curiosity, for I am unhappily *blasé* upon most of the subjects which once interested me. * * * * * * *

C's. conversation with me, the first day I saw him, gave me a strong fit of home-sickness, and kept me awake all night. * * But the truth is, I never suffered more from *ennuyée*, my inveterate enemy, than in the midst of all this supposed splendor and pleasure. I am just in that state of mind in which Goëthe's Faust made his compact with the devil.

LONDON, 28TH JUNE.

Arriving here at about 7 o'clock last Sunday, I travelled up from the neighborhood of the post-office, where I was set down, to the Clarendon Hotel, in new Bond-street, (the most fashionable house in London). Sunday is religiously kept in England: it was to me a dull and quiet one. On Monday, I sent out my letters. On Tuesday, I got a note from Lady Hastings, who is now here with her charming family, telling me she had just heard of my arrival, and enclosing me a card for a ball at the

Countess of Wemys', where I should meet much good company, and, especially, the *haute-noblesse* of Scotland. I went at half-past 11 *o'clock*, and found the rooms still empty, and it was not until near half-past 12 that dancing began in good earnest. I was exceedingly struck with the size of the women, which appeared to me rather gigantic, and with their bad waltzing. But, as the great majority present were Caledonians, they soon struck up reels, and danced them with a spirit and fervor that charmed me. I never saw more national enthusiasm at any meeting of these "Northern folk", famous as they are for it. Lady Hastings called my attention to the dancing of Lord Douglas, which is particularly renowned in its way; and to a couple near us, Lady L. and a singularly exhilerated and springy little gentleman, who snapped his fingers as he capered about, as if they were castanets. This personage, she told me, was seventy-three years of age, (he looked fifty). He had been celebrated for minuets de la cour in the reign of good King George III. I went home very much pleased with this truly national and hearty exhibition in the grande monde, and, on arriving there, found a note from Lady Jersey, enclosing a card for Almacks next day, and requesting me to call on her the day after that. Would you believe it! I did not go to Almacks,—great as the privilege of admission there is thought, and singularly precious, as granted in so special a manner by the mighty Lady Patroness herself. But I was fatigued, sleepy and unwell, and, besides, really have too little curiosity about such things now, to put myself at all out of the way to enjoy them. The next day I was almost ashamed to confess my delinquency to her imperial ladyship, whom I saw, according to her appointment, at 3 o'clock. Her house struck me as very fine, accustomed as I am to palaces; but I was more engrossed with her than with her *entourage*, a part of which, I ought not to forget to mention, was the Earl of Roslyn. She asked me whom and what I was desirous of seeing, and was liberal in her offers of service, etc. I rose to go away,—she rose also, and said "Here's a fine picture", leading the way into an adjoining room. As she passed, she stopped to say something to me, and fixed her somewhat hawkish eyes on mine with a gaze fixed and intense: she looked, or rather glanced, then, into a mirror at her side, and then went on. I had thus a fair opportunity of surveying the whole person of this great dictator of the fashionable world of London; and think now I understand, what once appeared to me mysterious enough, the secret and the character of her domination over men's and women's minds. But, as this is "deep contemplation", as Jaques says, I will keep my philosophy for another occasion.

I dine, to-day, with Lord Lansdowne,—to-morrow, with Lord Palmerston,—and, on Monday, with Sir Alex. Johnstone, when

I hope to meet the Hastings'. Meanwhile, a great musical festival, repeated at intervals of two or three days, at Westminster Abbey,—the jubilee of the fiftieth anniversary of the one which you may remember old ——'s. giving an account of at our table, once, when he discomfited poor ——— with his *sentiment*. I shall try to get a ticket for the last, when the "Messiah" is to be performed. Addio,—ever faithful, H. S. L.

———

The same to the same.

BRUSSELS, MAY 17, 1835.

I received, my dear Mary, three days ago, your letter of 10th April, in which you give me a commission to buy you some paints, etc. I shall have great pleasure in doing so one of these days, but I really cannot say when precisely. If I return in October, I will send them with the boxes that will take out my own things. I am very glad to find you have become such an enthusiast in painting, though for heaven's sake take care of your eyes. From indulging too much in a similar passion for books, my own give me sometimes rather alarming hints. But, in spite of such drawbacks, great and small, the love of art and science,—that is to say, the love of truth and beauty,—when it becomes an engrossing, habitual, passionate feeling, is worth more than all the gifts of fortune. There is one of its good effects which I have never seen pointed out, though it is impossible to overrate its importance. It elevates one's sense of his own dignity, and, at the same time, makes you feel that it is a dignity which the world can neither give nor take away. Thus it mitigates, if it does not entirely cure, that worst of all the diseases of our fallen nature, (I know that forbidden tree is called the tree of knowledge,)—that, indeed, by which man fell as angels did before us,—a craving, restless, self-tormenting ambition. This seems paradoxical, and yet it is strictly true,—for you may set it down for a universal truth, that the greatest lover of art, like true lovers of your own dear sex, ask no dowry with their mistresses but their own complete perfections; and just by so much as their passion is alloyed by any worldly motive, by just so much their power of expressing it is diminished, and affectation and artifice take the place, in what they do, of all-eloquent nature.

I am happy to learn you have received the music. I do not remember all the pieces I sent,—Il Flauto Magico, Don Giovanni, Otello, the Muette,—but what are the others? Don Giovanni is the admitted master-piece of your favorite Mozart. The Muette is the *chef d'œuvre* of Auber, the French composer; and, as

French music is a most admirable thing, an opera I never tire of in the performance. It has, in Brussels, an historical interest, which I must let you share in. In the second act two very animated and popular airs occur,—"Amis la matinée est belle," etc., and "Amour sacré de la patrie," etc. It was after the second of these songs that the young men of this city rushed out of the theatre, in 1830, to begin their revolutionary insurrection. This event has since been associated with the song, and made it a sort of national air, like those which Athenian patriots sang in honor of Harmodius and Aristogeiton, their deliverers from the tyranny of the Pisistratides. My love for music always has been intense, so that I count upon passing many pleasant hours with you, as you revive my old recollections by playing the master-pieces I have sent you,—to which I shall add many more.

Mr. Livingston, as you have by this time heard, left Paris in high dudgeon, his wife and daughter with him, leaving his son-in-law, Mr. B., Chargé d'Affaires. His stay is to be only until the Chamber of Peers confirm (as they very probably will in a few days) the vote of the Chamber of Deputies, appropriating the money to pay us, but requiring that something they have taken offence at be first explained. I consider this as all flummery, just to save appearances and soothe the deeply mortified pride, or perhaps vanity, of "the *grande nation.*" But Mr. L. chose to view the matter in a different light. They have been, for some time past, I hear, very much dissatisfied with their position at Paris, and the *premature* publication of Mr. L's. dispatches, according to our absurd American plan, made that position at length quite unenviable. * * * * The consequences, I fear, will be a complete rupture between the countries. * * * * an influence, which, I am very sure, will be exerted to the utmost to bring about this issue. Besides that, I should judge, the tone of the newspapers, especially on the side of the majority, hold a language inconsistent with peaceful purposes and feelings. It makes my own movements necessarily more doubtful, for it was immediately on receiving the news of the vote of the money in the Chamber of Deputies, that I asked leave to return home, assigning that vote as a reason for supposing there would be nothing particularly important for me to do in Europe henceforth, and requesting to be allowed to go home to mind my own business.

We are a nation of systematic self-flatterers, and no man, who does not roar you lustily in the chorus of adulation, can pass for a good patriot. Apropos of roaring,—if Mr. L., in his published despatches, had "augmented his voice", as ——— says, the whole thing would have gone off smoothly, and Louis Philippe would have said, "Let him roar again." But, begging your

pardon for passing so rapidly from Mozart to Bottom and his bellowing, (those blackguards of Shakspeare are so taking, one never loses sight of them). * * * *

We call it economy to send men abroad in places which they cannot fill as they ought, without ruining their families, and which they abandon as soon as they decently can, leaving all their business unfinished, to be done by some successor, as inexperienced, as ready, and as much in a hurry to get home as his predecessor. However, Jonathan's men, I find, are beginning to pay him off in his own coin.

While I write this a flash of lightning, accompanied with quite a *respectable* clap of thunder, reminds me it is spring, which I might have forgotten from my chilliness. The truth is there is no spring in Europe out of Italy and Greece. I hear it has been horribly cold, bad weather for some weeks past, except a few days.

17TH MAY. Fine weather. *Sore throat gone.* I leave Brussels to-morrow or the day after for Cologne and Bonn; perhaps I shall go up the Rhine as far as Heidelberg.

Ever affectionately, H. S. L.

The same to the same.

AIX-LA-CHAPELLE, AUG. 24, 1835.

My dear Mary,—Upon my arrival here yesterday, and returning from a week's excursion on the Rhine, your letter of the 7th July was handed me, and afforded me very sincere pleasure. Your extract from the Baltimore paper, or something to the same effect, I had seen before in the National Intelligencer, very much to my surprise, and, I had almost said, mortification, knowing, as I do, the source it comes from, (a detestable caitiff at ———): so far am I from having my vanity tickled by it. Yet, I confess I was glad to see the paragraph in the ———, and for this singular reason: one of the most savage attacks ever made on me, and the whole Southern Review, appeared in that very paper, and, I dare say, written by the same person, in consequence of some remarks of mine on * * * How strange a creature is man, and how utterly good for nothing his praise or his blame.

The idea of reviving the Southern Review seems to me perfectly visionary. I would not do again what I did for it before for any compensation. It has dimmed my eyes and whitened my hair (at least, helped to do so) before my time, and I am no longer capable of that sort of excitement,—besides various other reasons.

AUG. 30. I add these lines just for the sake of mentioning

that it was this day, *sixteen* years ago, that I first visited this old city, where I am returned from two hours spent in the cathedral, listening—as I stood upon the tomb of Charlemagne, a plain slab, inscribed simply "Carolo Magno"—to some very fine music.

I have recovered all my good looks again, but, unfortunate man that I am, woke this morning with another cold and inflammation of the chest,—a thing I am prodigiously liable to. I wish for the complete re-establishment of my health, because I humbly trust I am destined to be *useful* to man the rest of my life. God bless you all. H. S. L.

The same to the same.

BRUSSELS, DEC. 10, 1835.

My dear Mary,—I wrote you a letter from Paris, since which time I have received one from you, informing me of the round-about course one of mine of last June took. * * *

I received a letter from Judge De S., on the subject of the Southern Review, and have written him an answer, which he will receive by the same packet with this. I have declined the proposal, for, as you say, my tastes and habits are different.

The king and queen have been passing six weeks at Paris. I have just returned from Court, where we had a grand diplomatic dinner. I had a long conversation with her dear little majesty after dinner, about the prospect of a war between France and the United States, which we both, of course, deprecated very much. Things look very squally at present, and some people think the French *want* to have a fight with us. This may be the fact as to some of their politicians, but I am sure the king is decidedly opposed to a rupture, and, perhaps, will do all he can to prevent one. In the meantime, we are looking for the President's message with no little solicitude. I rather think there will be no war, and yet I prefer any sacrifice to that of the national honor or even pride.

I am now lodging in a hotel, where I have a spacious and comfortable apartment of four rooms, with a servant's bed-room, and here I shall probably pass the winter. The carnival is very short this year, and absolutely nothing goes on after Shrove Tuesday. H. S. L.

Mr. Legaré to his Sisters.

BRUXELLES, MARCH 24, 1833.

My dear Sisters,—I have adopted the plan of writing to you both at the same time, that there may be no heart-breaking jea-

lousy between you about so important a matter as my attentions.

I told mama I should give you a more particular account of what passed here during the French queen's visit to Brussels, which took place about two weeks ago, and continued until last Monday afternoon, when she left this city and arrived in Paris in less than twenty-four hours, having travelled all night. I have repeatedly mentioned how much I admire that great lady, with whom I had the honor of dining at the pretty chateau of Neuilly, near Paris, when I was there last summer. What I saw of her, during her stay here, confirmed all those favorable impressions. Her grace, dignity and affability, (*condescension*, it may be, but there is no appearance of that,) are really irresistible, and equalled only by her exemplary virtues as a wife and a mother,—virtues which happen to shine forth the more brilliantly just at this moment, in contrast with the public infamy of the Duchess of Berry.

The queen arrived here, accompanied by her second daughter, the Princess Marie, and two ladies of honour, under the protection (as we should say, of a *private* person) of her son and heir apparent, the Duke of Orleans,—a well-looking young man of some two-and-twenty years or thereabouts. The day after their arrival was passed in the family circle, but, on Sunday, (the next day,) there was a grand diplomatic dinner of fifty covers at Court, at which I had the honor of assisting, with the British ambassador, (Sir Robert Adair,) the French, (the Count de Latour Maubourg,) and their Secretaries of Legation, all the Ministers of State, the Presidents of the Senate and House of Representatives, some Generals, the Ladies of Honor of the two Queens, Aides-de-Camp, etc., etc.; and last, but by no means least, the Duke and Duchess d'Arenberg, who are decidedly at the head of society here, and, indeed, are of an *almost royal* house. As soon as all the guests were assembled in the *salle de réception*, and after the Duchess of Arenberg, who had been presented in private audience in another saloon, returned, the royal party made its appearance,—the Queen of France leaning upon the arm of her son-in-law, King Leopold; the Queen of the Belgians on that of her brother, the Duke of Orleans; and the Princess Marie accompanied by her Lady of Honor. The rest of the party only saluted at entering, and stopped near the door, but the Queen of the French went round the whole circle, beginning, of course, with *our* noble selves, the representatives of foreign nations, who, you know, are always at the head of every ceremony, at least. The British ambassador was first presented. She recognized in him an old acquaintance, (heaven knows how far back,) and reminded him of the occasions on which they met. Her own ambassador, who *returned* from Paris with her, she soon dispatched. Then came my turn. She had seen me

not many months ago,—hoped I liked my situation,—asked after Gen. Wool, (an officer sent out on some special errand by our government last summer, who had been well received by the Court of France, and had afterwards visited Brussels with me when I first came here,) and so forth. In short, she addressed something appropriate to every individual in the circle, except the officers of the king's household, and all with that winning, native grace so peculiar to a high-born and perfectly well-bred French-woman,—(by-the-bye, she is an Italian, *aunt* of the Queen of Spain, who has lately been doing such fine things, and of the Duchess of Berry, who has been doing such naughty ones). The Grand-Marshal then announced to their Majesties that dinner was served. They led the way into the banqueting hall (in the *grand apartments*, as they are called) as they had come into the *salle de réception*, except that, this time, the English ambassador, as head of the diplomatic body, (by seniority,) gave his arm to the Princess Mary. As I had the *third* choice, I took the prettiest of *our* queen's ladies, and, I think, the very prettiest woman in all Belgium, although she has three children married,—one a daughter, who looks almost as old as herself. I was petrified with surprise when I found out the age of my favorite, whom I did not suspect of so many years almost by half. But that discovery I had made long before this meeting, and I chose her with my eyes open and very deliberately, for Sir G. Hamilton and M. de Tallenay, secretaries of legation, were arranging it between them whom they should choose out of the circle,—an ugly or stupid woman by one, at one of these interminable French dinners, is *such* a bore,—when I told them they need not think of her, for I had designs in that quarter myself. The lady in question is the Baronne d'Hoogvorst. She was dressed that day in very becoming style, and looked like a blooming wife of thirty,—in Europe, you know, that is not old.

At table, the fashion in Europe is not like yours, for the master of the house to sit at one *end*, and the mistress at the other. The place of honor is at the side and at the middle of the board. When I dined at Neuilly the queen sat on one side, and the king opposite to her on the other, but Leopold and Louise are inseparable, at least at dinner,—and, judging from their most amiable characters and affectionate dispositions, I should suppose every where else. The Grand Marshal of the palace, here, always takes his place opposite to their Majesties. And so it was on the occasion in question. On the right of the King sat the Queen of the French, on her right the Queen of the Belgians, next to her the Duke of Orleans, next the Duchess d'Arenberg, next Count de Latour Maubourg, etc., etc. On the *left* of the King was the Princess Marie, next the English ambassador, etc. The Grand Marshal had on his right the Lady of Honor handed

in by the Duke d'Arenberg, on whose right sat the Duke himself; on the left was Madame d'Hoogvorst, and next to her your humble servant,—so that I sat immediately opposite the Queen of the Belgians, whose sweet, modest face I am never tired of looking upon. The dinner was served with the highest magnificence of the Court,—the crowd of servants in waiting being decked out in their most showy liveries, (scarlet and gold for some, while others wore a more modest uniform, with swords at their sides,)—and the table itself covered with gold and silver, and, at the dessert, with *Sèvres* china.—This last, which is the most beautiful painted china, manufactured near Paris, at a cost of 300 francs (sixty dollars) a *plate*, was a bridal present to the queen from her father. A grand band of music played the most fashionable and admired pieces of the great German and Italian masters, at intervals during the dinner,—which, in all other respects, went off just as Court dinners always do, with the gravest decorum,—a conversation confined to two,—with no variety except an occasional change from right to left, when one or the other of your neighbors, as it happens, is *run out* of small talk, and carried on, of course, in a sort of whisper. Certainly, however, it must be confessed that a vast table, covered with so much magnificence, and surrounded by ladies and gentlemen,—the former sparkling with diamonds, the latter all in Court embroidery,—presents a very brilliant *coup d'œil*. I was never before so much struck with the effect of precious stones in a lady's toilette, as with the richly-coloured beams of light that glittered about the neck and head of the Duchess d'Arenberg,—a very fine woman, about thirty-five, who was arrayed in more than the glory of Solomon. The *worst* of a dinner at Court is that, after having got through the tedious formalities of the reception and the *execution*, (they endure a couple of hours or so,) the whole company is marched back into the *salle de réception*, where coffee is served with *liqueurs*, and *there* are sometimes kept *standing* (for none but the ladies, who take their places at the queen's round table after dinner, in the middle of the room, are allowed to sit) sometimes for another hour, or hour and a half. For me, whose habit is and always has been, if possible, to stretch myself off at full length upon a sofa, or, at least, recline quite at my ease after dinner, this part of my diplomatic duties—aggravated, as it is, by being buttoned up close in a uniform coat made last summer, when I was by no means in such good case as I am now—is quite a serious task.

But I never suffered so much from it, as at a concert given at Court two days after the dinner I speak of. All guests, invited to a palace, but especially the members of the diplomatic corps, are expected to be very punctual,—for, as Louis XVIII. is said to have remarked, "Punctuality is the politeness of kings." We

were invited, then, to the said concert, at three-quarters past 7 o'clock, and what with the presentations, the slow progress of the processions through a *suite* of half-a-dozen rooms, and the musical performance itself, I was standing *four* mortal hours. To be sure, I did not suffer alone, there being five or six hundred people present. The ladies had seats on two rows of benches at the two sides of a vast hall, leaving a space between for the circulation of the gentlemen invited, the waiters with refreshments, in short, every thing but *air*,—for altho' it was freezing and snowing out of doors, our artificial atmosphere was so disagreeably heated that our little queen, in her delicate situation, could not bear it, and had to leave us in the midst of our *excruciating* delight at the various performance. The rest of the party exhibited a very tender solicitude at this untoward event, and went out with her, but soon after they all returned, except the king, and even he after a delay of some time longer. I own I was not *overpowered* by the music, though, to be sure, I had heard most of the performers before. They were all *very good*, but very well won't do at a concert,—a thing too stupid in itself for any thing but remarkable and exciting talent to make agreeable. There was a performer on the piano-forte of the name of Field, who was very much puffed before he began, but oh lord! how tired of his flourishes we were before he ended. I am no very great judge in such matters, but he did not seem to me to play at all better, Mary, than the little S****** at Washington. Yet the king sent him his compliments with 1200 francs. Apropos, I hear her mother is rather cracked, and one of the ladies of the queen, Madame de Stassart, who met with her many years ago at Paris, asked after her. And thus ends my long history of the Queen of the French at Brussels. She is expected to return here to be present at the *accouchement* of her daughter, some time in June or July. Madame Adelaide, *our* queen's aunt, and her pretty sister Clementine, are to visit us in a few days, when, I suppose, I shall see something more of them all.

About a week before the grand dinner I have been speaking of, I dined at Court, and being entitled to *precedence* over the rest of the company present, I had the honor of sitting next to her majesty (Queen Louise) at dinner. She speaks English very well indeed, as do all her brothers and sisters, and, as the king is perfect master of the language, they generally converse together in that tongue. I had often exchanged a few sentences with her before, but never kept up so long a conversation. I found her very sensible, interesting herself very much in politics, and well informed of what has been going on in America. She told me she had read some excellent remarks on *nullification* in the French journals, and asked me if I had seen any of those pieces. I told her I had, and was struck with their good sense, and,

especially with the good feeling with which they seemed to deplore the possibility of a disunion of the States,—an event fraught with the ruin of the whole continent. I had seen it stated in one of the newspapers that the Princess Bagration,—who passed through Brussels about six months ago on her way to Paris, where she now is, and, indeed, is said to be privily married to a remarkably handsome and amiable young English officer of my acquaintance,—had been ordered by the *Czar* Nicholas to return to Russia immediately, upon pain of confiscation of all her estate. I asked the queen if it could possibly be true. She told me it was,—and that the motive assigned for it was that the princess had dined at Court when she was here,—the King of the Belgians not having, as yet, been recognized by the Russian autocrat. I replied that I thought it a piece of despotism, at once so barbarous and so unmanly, that I could not but doubt its existence. Yes, said she, I suppose it must appear very revolting to *you*.

Upon the whole, as you may infer from this and some of my more recent letters, Brussels has been very agreeable during the winter. I gave, myself, a grand dinner to the diplomatic corps and some of the ministers, but, although the English ladies were all teazing me to let them dance in my fine house, as they said, I would not go the ball. I did not feel well enough settled for that, and then I hate to be *put out* next day. If I stay here next winter I may, possibly, be more obliging, and, indeed, gratitude would seem to require it, for nothing can be kinder than the reception the English here, especially, have given me. Except that they call me *Legarry*, instead of *Legree*, I could almost fancy myself at home,—and, I assure you, although very much accustomed to be petted in Charleston, as you know, I have no reason to be at all dissatisfied with the *place* I hold here. Knowing the English as well as I do,—their pride, their whims, their precision, etc.,—I feel more complimented by their intercourse with me, than by all the *fine* things their ambassador here has been pleased to say of me. One of the gentlemen is always telling me I ought to have gone or go as ambassador to London. I should not break my heart if a certain great man, 3000 miles off, were to take the same idea into his head. And, àpropos of this, the consul at Ostend, who is just returned from Washington, tells me I am in very good odor there, and may expect *promotion*. This gentleman seemed delighted with me and my establishment, except that there was *no lady* in it, though he protested vehemently against my marrying any of "the quality here", as he called it, when my own country boasts the most beautiful and virtuous women in the world, (and so it does, *unquestionably*). He told me, too, jocularly, that if I did not treat him with great indulgence, as my subaltern, he would tell upon

me, at Washington, how I was living like a lord, etc., though, he added, he believed the stingiest democrat of them would be proud to know it.

Vanity of vanities, all is vanity, saith the *Chargé*. As I am here, I should be pleased to be transferred to London or Paris, and to spend a few years more, under such advantageous circumstances, in Europe, but only a *few* years, and *solely* with a view to increased wisdom and usefulness. All, else, I *know* to be nonsense. I think, too, my education and studies have given me a decided advantage over the great majority of Americans, and that I can do the country some service, and, may I add, *honor?* So, you see, *patriotism* makes me seek my own elevation, which, however paradoxical it may be, is the naked truth.

I embrace you both, my sisters, sincerely and tenderly.

H. S. L.

Mr. Legaré to his Mother.

BRUSSELS, 11TH MAY, 1835.

My dear Mother,—I returned yesterday from a short excursion to Antwerp, of which I enclose you some memoranda, thinking they might amuse you. Mary (to whom I wrote about a fortnight ago) will, I dare say, take an interest in what I say of the fine pictures I saw there,—though, I suppose, I gave her a full account of them when I returned from the same city just two years ago. If so, she may compare my two descriptions, and amuse herself with the changes which time has, probably, made in some of my opinions on such subjects, as on others yet more important.

The change of air has done me wonderful good,—that is, it has continued and, I hope, completed the effect of a course of medicine I had gone through, to get rid of some bad humors in my blood and bile, and prepare me to benefit by such an excursion. I have been horribly dyspeptic for a long time past, with symptoms, as I hinted to you before, of a certain malady of sedentary persons, which has always alarmed me very much, but not as much as I now think it ought. For a week after I left Brussels these symptoms had totally disappeared, and my stomach been restored to a tone of strength and health, such as I have not experienced this many a long day. But, a day or two before I left Antwerp, in consequence, I believe, of my having been tempted by over-confidence in it, to eat vegetables and acid things,—which I, in general, never touch at all,—I had a short relapse. Abstinence the next day, and activity since, have kept me very well for the two last days.

I returned to Brussels yesterday, and did intend to go on im-

mediately to Liège and Cologne, where I should have amused myself for some fortnight or three weeks more, until I should have been quite re-established. The truth is, I am exhausted by intense, perpetual meditation in *solitude*, which sounds oddly enough in the mouth of one of the corps diplomatique, in rather a gay Court and city, but is nevertheless true. It is true I have been, during the whole winter, dining out, going to the theatre, where I had part of a box, and to balls and soirées, every evening; but then, these engagements left me the whole day, from half-past 6 in the morning to half-past 5, and often till 7, perfectly alone,—reading, writing and thinking perpetually,—even at my meals, when at home, wrapt up in thought and actually occupied with books. I have been taking a great deal of exercise during the whole winter, and it has done me immense good, but still I was never *well;* scarcely a day passed that I was not, some time or other in the course of it, more or less indisposed,—and, if I deviated at any time from the strictest simplicity of diet, (which I *very seldom* did,) I never failed to pay a heavy penalty for it during the night or the next day. But I shall never have done, if I go into details of this sort, which I trust are now become mere matter of history.

You will have learned, from my last letter to Mary, that I have asked leave, for better for worse, to return to America next June, with the conditional permission of doing so in October, if your letters require it. When I did so, I thought our difference with France about to be immediately adjusted, (as it might easily have been,) but, within these few days, that matter has assumed a different complexion, and I should not be surprised if something serious came of it at last, by the strange management of the parties concerned. In that event, I do not know what the President will do.

God bless you all. H. S. L.

Mr. Legaré to his Sister.

SPA, MIDI 14 Août, 1834.

The date of this letter, my dear Mary, reminds me that it was this very month, *fifteen* years ago, that I first visited Spa,—a younker, then, of 22-3, with a head full of imaginings, a few of which have been since realized, but the greater part, of course, gone to that limbo where, dit-on, all things lost on earth, that are empty enough to fly upwards, are to be found. I am just this moment arrived, and as it is too hot to go out, (for this summer *has* been warm enough to be called summer,) I feel inclined to turn the first moments of my leisure here to account,—that is, to an account of why and how I came here.

Brussels, like other great cities, is deserted in the summer,—that is to say, by some scores of people that call themselves *every body*,—but this summer, especially, its desolation has been frightful. This is owing to the deaths of some of those people whose houses were points of general rendezvous to all one would wish to meet; such, especially, as the Prince Auguste d'Arenberg and Lady Charlotte Fitzgerald. They remained in town all last summer, and you know how much of my time was agreeably passed in the society which these distinguished persons gathered about them. Besides dining with the Prince once, twice, and even three times a week, the corps diplomatique were generally invited to dinner by the King on Thursdays, and not unfrequently on Tuesdays or Sundays besides. The consequence was that, for many months, I literally *lived* in the most agreeable manner with the most agreeable people, and consider my social position at Brussels as having been as fortunate as it possibly could be, if fortunate it can be called, considering the sort of people it has accustomed me to, and the sort of people it has singularly estranged me from,—though not *forever*. *Vous comprenez.*

I left Brussels on the 10th. Slept at a miserable village called Wavre, but slept well, although I went to bed *un*well, and not without serious apprehensions, from my sensations in leaving town and during the short journey of fifteen miles in the afternoon, that I was going to be attacked furiously by the cholera, native or imported. The next day, at 12, I arrived at Namur,—for, I must here mention to you, that the great object of my excursion was to take the famous drive on the bank of the Meuse, from that city to Liège, a distance of about forty-five miles, which is as much vaunted as any equal extent of country in Europe. I was in my own carriage, and, of course, did it all very leisurely. Between Namur and Liège is a little town, crammed in between the mountains, through which the Meuse forces its way, and cut in two by this river, known, it seems, to antiquity, and recorded by the Emperor Antoninus, *now* called Huy or Hoëy. Of this little rookery I made a stage. It is nearly half way between the two cities just mentioned, and divides the scenery into classes as well as parts: the upper is wilder and more rugged,—the valley of the river being quite narrow, generally walled in by beetling and craggy cliffs of great height, and only now and then running out into the country in a recess spacious enough to admit a village, or giving the river two beds instead of one, and filling up the interval between them with islets of smooth meadow-ground. The road is MacAdamised, and runs the whole way just upon the edge of the stream, which, during the summer, is shallow enough to be fordable every where, so that the boats that navigate it are pulled up by

horses that wade *in* the stream itself, instead of walking upon the banks. This celebrated scenery sometimes recalled to me the French Broad, which you have seen,—but it differs from it, first in that the valley is uniformly wider, and so presents more variety and soft contrasts,—and then that the banks are less bold and striking as mountain cliffs. I enjoyed the evening at Huy extremely. I arrived there just before sunset of a charming evening, and saw, when I walked out, the last blushing tints of day fade away in the west, while the crescent of the young moon gradually brightened as they faded away, and, at length, hung over the point of the mountains that shut up my prospect on almost all sides, and looked, in its quiet softness and beauty, like the eye of heaven itself, reminding man of its presence even in the deepest and stillest solitudes. You will, I am sure, excuse this *flight*, and all this attempt at description, when I tell you that more than ever, now, I love and long for the repose of *nature*, for which I was certainly formed, although it has been hitherto my lot to enjoy it so little; and, while I am writing to you at my window, a very pretty girl, perched up at her's on the opposite side of the court, occasionally casts down upon me a glance of curiosity, which I could almost wish were one of tenderness. From Huy to Liège, the scene becomes more and more cultivated and soft, and, of course, less like what you are accustomed to.

At Liège, my taste for the picturesque brought me into the greatest scrape of the kind I ever fell into. The town is built on the Meuse, and runs up the side of a mountain. After having visited the lower part of it, I determined, in the evening, to take an excursion (*on foot*, mind you) into the upper, in order to have a fine prospect. Accordingly, ignorant of the geography of the coast and without chart or pilot, I set out at random, and pursued the first street that led *upwards*. And I continued to pursue it and pursue it, with indefatigable perseverance, although half dead with heat and fatigue, until I saw a sort of alley which came down a tremendous flight of steps. This seemed to me to be just the thing for my design on the picturesque, and so I shot into this lane by way of variety, mounted the steps, and kept mounting, without being able to see any thing at all but the ground under my feet and the sky over my head, for the cursed lane was absolutely shut in on both sides by a wall, along its whole length. At last, arrived at the very summit of the mountain, I found that, by mounting up upon the inner wall, where it became practicable, I could place myself so as to be able to get an *imperfect* view of the valley, the city and the heights in the distance. I returned dissatisfied and exhausted, and consoling myself only with the reflection that the fatigue

was good for my health, and by drinking, to quench my burning thirst, half a bottle of Moselle wine, (mixed with cool water, *bien entendu*,) almost as soon as it was possible to swallow it.

The cathedral of Liège is a beautiful building,—not by any means so vast and imposing as that of Antwerp, but highly ornamented, and having a striking air of neatness and elegance,—epithets that seem not quite in character with such a structure, and yet are applicable to it. There are some very fine pictures in it. I was delighted, especially, with the *Baptism*, by Carlier. The savage solitude of the place,—the naked form of the Baptist,—the meek, downcast eyes and reverential posture of the Saviour,—the expressive countenances of the deeply interested spectators of the divine ceremony,—the descent of the dove upon the head of "the beloved Son,"—every thing is perfectly well done. Another famous and able picture is the "St. Jerome and the Doctors of the Church"; and a third is St. Borromeo offering up the prayer by which the *plague* of Milan was arrested. This latter is an admirable little picture. They were both carried to Paris by the French, together with so many other masterpieces, and have been restored since the peace. I am become, as you perceive, quite an amateur of painting, and wish I were as great a connoisseur.

The road from Liège hither is also MacAdamised,—a circumstance worth mentioning on the Continent, where the highways are all paved, like the streets of their towns, with large stones, jostling and stunning the traveller to his heart's content. This unusual improvement is due to a Mr. Cockerell, an Englishman established at Liège, who has done immense good to this whole country by his enterprise. The road I speak of, during the whole distance of nearly twenty-five miles, runs thro' a valley, crossing and re-crossing a small stream twenty times. As you have travelled over the Alleghanies, you can form a very just idea of a valley, or, as they call it in North-Carolina, a *gap* road: but what you *cannot* have any conception of is the pleasure I enjoyed during the whole of my progress through this mountain solitude. You know I went to the upper country, four years ago, in my own carriage, in the same way, with no other company but my coachman. I was thinking all the way this morning of *Boatswain* (the black servant I then had) and the Blue Ridge, and wondering how long it would be before the streams of the latter would turn so many mills, and its green spots be adorned with such pretty country-seats and pleasure-grounds. It is delightful to me to indulge in my love of nature in her retired grandeur: I feel, in these still mountain regions, as if I were in her *presence-chamber*. Manufactures, to be sure, are a profanation: and *here* the Alleghanies, in their virgin

wildness, have the advantage of European mountains,—though I remember how shocked I was when I saw that the famous fall of Montmorency, near Quebec, had been turned into a *mill-seat.*

15TH AUGUST. There is very little company at Spa, and that little not *much.* I went to bed quietly at 10 last night, and at 6 this morning rose, and, after losing an hour and a half at my toilette, got into my carriage and visited the Geronstere spring, which is on the summit of one of the neighboring heights, and very hard to be got at, except as people generally visit it,—on a *donkey.* The sun beat on me unmercifully as I labored up the steep, the top of my landaulette having been thrown open,—but the delicious temperature which I found in the shady walks of the Geroustere, and the fine prospect from it, fully indemnified me for what I suffered. From the Geronstere, I crossed the mountain, which is quite barren and covered with a wild dwarf shrubbery, (bruyère,) to two other fountains, of which the waters are somewhat different, though all containing carbonic acid and iron, and, therefore, good for indigestion in its ten thousand infernal shapes. At the Groesbeck spring, I saw a person, apparently about thirty-five years of age, whose complexion indicated a bad liver, and whose malady is a perpetual *vigil;* he has, for some time past, hardly slept half an hour a night! Great God! think of that. What an insupportable idea, a life which is all *one* day; and yet we tremble at *death,* without which we should suffer the same thing, aggravated ten thousand fold. Visiting watering-places is a good course of moral study,—far more impressive than Young's Night Thoughts or Hervey's Meditations. The first time you feel disposed to be discontented and querrulous about things of no *real* consequence, go to the springs and speak with the invalids there.

LOUVAIN, 17TH AUG., 7½ o'clock, P. M. Looking over what I wrote at Spa, I have great scruples about sending you an account of my *pleasures,* which it will give you so much *pain* to decipher. But I never copied what I wrote for the Southern Review,—how should I copy a letter? Besides, you will have a specimen of the pen, ink and paper they use at the Hotel de l'Orange at Spa,—and, generally, of the sort of *discomforts,* under the name of pleasures, one is willing to exchange his own home for, even when, like mine at Brussels, it combines every thing necessary, or *not* necessary, to a life of the most perfect epicurean ease and voluptuousness.

I arrived in this famous old town about two hours ago, and expect to be at Brussels (eighteen miles off) to-morrow evening. As soon as I had ordered dinner, I sallied out to see the Hotel de Ville and the principal church. The former is a renowned specimen of Gothic architecture, four hundred years old, and deserves all its reputation. It is, without doubt, the most re-

markable monument of the sort I ever saw. But I shan't attempt to describe it, as I mean that you shall see, sooner or later, an engraving of it. At the church, I found them in the midst of the evening service, and passed half an hour there, as I always do in such a place at such an hour, with the deepest interest. I am, as I always have been, in my heart or my imagination, I don't exactly know which, more than half a Catholic; and it is positively no exaggeration to say that nothing in the world has such attractions for me as that service, in the evening especially, performed with good music and the pomp of some solemn occasion. This evening there was a procession within the vast building itself, with wax-lights, a cohort of priests and acolytes, thundering forth their Latin psalmody in concert with the peal of the organ above, while all these sounds were nearly drowned in the tolling of the mighty bells of the cathedral.

To return to Spa. While there, although remarkably well, I was tempted to try the *waters* of the several fountains. I became convinced of their *virtues* by their vicious effects on me. For a couple of days afterwards, I felt precisely as one does after taking a dose of laudanum. The first day my appetite was voracious, though quite healthy,—the second and third it was still great, but *morbid*, attended with an occasional feeling of disgust. I am now quite restored, and am in most excellent condition. I am satisfied that, with all necessary prudence in taking them, their efficacy must be very great; and I shall certainly pass some weeks there next summer. There can be no doubt, however, that the effects of the water are wonderfully increased by the manner of living at Spa,—breathing the air of the mountains at six o'clock in the morning, walking, riding and driving many miles a day, banishing all care, going to bed early, etc., etc. How strange it is to meet people there whom one has seen in the midst of Courts and capitals, with all their trumpery and constraint, negligently dressed, mounted on donkeys, talking with the first comer, without distinction of persons, and acknowledging themselves happier and healthier, both in body and mind, than in those envied (but not enviable) circles where it is the silly ambition of mankind to shine! Watering-places are a sort of *confessionals* or shrines, set apart by nature, to which pilgrims of all nations resort to renounce, for a moment, the lying vanities of the world, and get absolution for sins and errors they are sure to return to as soon as opportunity presents. Of these pilgrims by far the greater portion (at least, of any *one* nation) are English. It is inconceivable what multitudes of them are swarming over the whole face of this country, paying twice and thrice as much as they ought for every thing they stand in need of. * *

H. S. L.

ORATION.

An Oration, delivered on the Fourth of July, 1823, before the '76 Association; and published at their request. *Charleston. A. E. Miller.* 1823.

CICERO begins a celebrated oration by congratulating himself upon the felicity of his subject—in the discussion of which he thought that an orator, were he never so feeble or unpractised, could not fail to be more embarrassed with the *choice*, than the *invention* of his topics, and to carry along with him the entire sympathy of his audience. For the occasion required him to dwell upon the virtues and achievements of the great POMPEY—a man, who had been, from his earliest youth, identified with the glory of his country—who had transcended and eclipsed the recorded honours of her Scipios and Metellus'—and, under whose auspices, "victory flew with her eagles" from Lusitania to Caucasus and the Euphrates. But what would not the genius of the Roman orator, who found so much scope for the amplifications of his unrivalled eloquence, in the events of a single life, and the glory of a few campaigns, have made of a subject—so interesting in itself—so peculiarly affecting, and so dear to his auditors—so fertile, so various, so inspiring—as that to which he who now addresses you will have been indebted, for whatever of interest, or of attention it may be his good fortune to awaken? What were the exploits of a single individual, to the efforts of a whole people—heated with all the enthusiasm of a mighty contest, and rushing into the battles of Liberty, under the impulses of a patriotism, the most heroic and self-devoting? What were the victories of POMPEY—to the united achievements of our Washingtons and Montgomerys and Greens—our Franklins and Jeffersons and Adams' and Laurens'—of the Senate of Sages, whose wisdom conducted—of the band of warriors, whose valour accomplished—of the "noble army of martyrs", whose blood sealed and consecrated the Revolution of '76? What were the events of a few campaigns—however brilliant and successful—in the wars of Italy, or Spain, or Pontus—to by far the greatest era—excepting, perhaps, the Reformation—that has occurred in the political history of modern times—to an era that has fixed forever the destinies of a whole quarter of the globe, with the numbers without number that are soon to inhabit it—and has already had, as it will probably continue to

have, a visible influence upon the condition of society in all the rest? Nay—shall I be accused of extravagance, if going still further I ask, what is there even in the most illustrious series of victories and conquests, that can justly be considered as affording, to a mind that dares to make a philosophic estimate of human affairs, a nobler and more interesting subject of contemplation and discourse, than the causes which led to the foundation of this mighty empire—than the wonderful and almost incredible history of what it has since done and is already grown to—than the scene of unmingled prosperity and happiness that is opening and spreading all around us—than the prospect as dazzling as it is vast, that lies before us—the uncircumscribed career of aggrandizement and improvement which we are beginning to run under such happy auspices and with the advantage of having *started* at a point where it were well for the species had it been the lot of many nations even to have *ended* theirs.

It is true, we shall not boast to day that the pomp of triumph has three hundred times ascended the steps of our capitol—or that the national temple upon its brow blazes in the spoils of a thousand cities. True, we do not send forth our prætors to plunder and devastate the most fertile and beautiful portions of the earth, in order that a haughty aristocracy may be enriched with booty, or a worthless populace be supplied with bread—nor in every region under the sun, from the foot of the Grampian hills, to the land of frankincense and myrrh, is the spirit of man broken and debased by us beneath the iron yoke of a military domination. No, my friends! This is, indeed, what the world calls *glory*—but let us be glad that we are not come here to boast of such things. *Our* triumphs are the triumphs of *reason*—of happiness—of human nature. Our rejoicings are greeted with the most cordial sympathy of the cosmopolite and the philanthrophist: and the good and the wise all round the globe give us back the echo of our acclamations. It is the singular fortune—or I should rather say—it is the proud distinction of Americans—it is what we are now met to return thanks for and to exult in—that in the race of moral improvement, which society has been every where running for some centuries past, we have outstripped every competitor and have carried our institutions, in the sober certainty of waking bliss, to a higher pitch of perfection than ever warmed the dreams of enthusiasm or the speculations of the theorist. It is that a whole continent has been set apart, as if it were holy ground, for the cultivation of pure truth—for the pursuit of happiness upon rational principles, and, in the way that is most agreeable to nature—for the development of all the sensibilities, and capacities, and powers of the human mind, without any artificial restraint or bias, in the broad daylight of modern science and

political liberty. It is that, over the whole extent of this gigantic empire—stretching as it does from the St. Croix to the Sabine, and from the waters of the Atlantic almost to those of the Pacific—wherever man is found, he is seen to walk abroad in all the dignity of his nature—with none to intimidate, or to insult, or to oppress him—with no superior upon this earth that does not deserve to be so—and that, in the proud consciousness of his privileges, his soul is filled with the most noble apprehensions, and his aspirations lifted up to the most exalted objects, and his efforts animated and encouraged in the pursuit of whatever has a tendency to bless and adorn his existence. *This* is the boast we make—*this* is the theme of the day we are celebrating—and do any of you envy the feelings of the man—who denies that the one is as rational and just, as the other is noble and transporting?

It has been usual on this occasion—as nothing, certainly, can be more appropriate and natural—to expatiate upon the events of the revolutionary contest, and to honour, in a suitable strain of panegyric, such of the founders of the Republic as were supposed to have rendered it the most important services, at a crisis so full of peril and glory. But as these topics, however interesting in themselves, and eminently well fitted for the purposes of popular declamation, are become so trite that it would be difficult, by any art of composition, to bestow upon them the graces of novelty, I have chosen rather to exhibit some of the *general features*—the great *leading characteristics*—by which, I conceive that memorable event to be distinguished from all others of a similar kind, that are recorded in the annals of empire.

The *first* of these peculiarities which I shall notice, is, that the Revolution was altogether the *work of principle.*

Whoever is anywise conversant with political history knows that such has always been the blind infatuation, the supine carelessness, or the abject servility of mankind, that not only have they submitted with patience to the grossest abuses and misrule, but that they have seldom been roused up to resistance, except by a long course of *positive suffering*—or by events that powerfully affect the *senses* and fill the bosom, even of the most indifferent spectator, with indignation and horror. The expulsion of the Tarquins—the overthrow of the Decemvirs—the repeated secessions of the people to the sacred mount—with many other incidents of a like kind, are familiar examples of this truth. A romantic tradition ascribes to a similar cause the origin of Helvetic liberty. The despotism of Philip II. would never have been resisted and shaken, nor Holland emerged, in the glory and greatness of freedom, out of that obscurity to which nature seemed so studiously to have condemned her, had it not been for the infernal atrocities of ALVA, and the martyr-

dom of EGMONT and HORN—and even the Revolution of '88, which seems, in this respect, to approach nearest to our own—not to mention that it grew out of the heats of religious and even a bigoted and fanatic zeal, rather than the love of civil liberty—was not effected until a whole century had passed away in strife, and persecution, and cruelty, and woe—until kindred hosts had been arrayed against each other in many a field of blood—until ALGERNON SIDNEY had died like a felon by the hands of the executioner; until, in short, the daring though feeble attempt of the second JAMES had left his subjects no alternative, but to rid themselves at once of the predestinated and incurable perverseness of a race, that had neither learned nor forgotten any thing, even under the discipline of adversity and exile. But, in accounting for our declaration of independence, it is quite hyperbolical to speak—as it has been too common to do—of the tyranny of the mother country, and the evils under which the Colonies laboured, as too grievous to be endured. They were, indeed, intolerable—but only to such men as our fathers. There was, it must be confessed, good cause for resistance—but it may be affirmed with confidence that no other people upon earth would have rebelled for such a cause. There was nothing in their situation to excite the passions of vulgar men. There was none of the atrocities by which other nations have been goaded into the fury of civil war—no royal outrages—no patrician insolence—no religious persecution—no bloody proscription of the wise and the brave. Even the right of taxation against which they were contending was a prospective and contingent evil, rather than an actual grievance, and nothing can be more just than the quaint metaphor of BURKE, that "they augured misgovernment at a distance, and snuffed tyranny in every tainted gale." The first intelligence of the stamp act, threw the whole country at the same instant into a flame: it was even then in a state of open rebellion. The encroachments of the ministry were resisted at the very threshold, and the moment the Colonies became *conscious* of the yoke, they shook it off. One spirit, one mind, pervaded and animated the whole mass. They argued—refined—distinguished—explained, with all the learned ingenuity of the schools. But if they reasoned about their rights with the subtlety of doctors—they were prepared to maintain them with the constancy of martyrs, and, for the first time in the history of civil society, a metaphysical dispute resulted in the creation of a great empire.

This fact, sufficiently remarkable for its singularity, assumes a still more important aspect, when viewed, as it ought to be in connection with the progress of society, with the causes that account for it, and with some inferences and anticipations which it seems naturally to suggest. Undoubtedly, the situation of the

Colonies, at such an immense distance from the centre of the British Empire, must have weakened every sort of attraction by which they were held to it—and the peculiar character, too, of the first settlers will conduce very much to the solution of this curious problem. They were of all men the most sensitive and the best informed upon the subject of their rights and liberties. They were the devoted Huguenots, who, after having extorted by their valor in the field, with BOURBON and COLIGNI, with ROHAN and SOUBISE, a short interval of repose from persecution, had at length abjured forever their beautiful native land—the soft and delicious banks of the Loire, where industry made them rich, virtuous, happy—not, as other adventurers constrained by poverty and embarrassments at home to seek their fortunes on a distant shore—not to search for gold and silver mines, nor to overrun vast regions and cement, with the blood of exterminated nations, the dominion of some potentate ambitious of reigning over a waste at the distance of five thousand miles from his capital—but to plunge into the depths of an untrodden wilderness, covered with swamps, breathing pestilence, yielding the bare necessaries of life only to the sweat of labor—because in its dreary solitudes they could commune with their God!—because, amidst its savage desolation, they could pour out the feelings of gratitude and adoration with which their hearts were filled and which they could not utter in the country of FENELON and PASCAL, without being hunted down like wild beasts! They were the austere and gloomy Puritans of England—the stern and fanatic followers of PYM and HOLLIS and HAMPDEN—who had been republicans even in Europe, and had quitted Europe because it was unworthy of a Republic—those men to whom, according to the very probable opinion of the historian HUME, England herself is altogether indebted for what has made her, in these latter ages, the wonder of the world—the democratic part of her constitution. It was these heroes and tried champions of religious liberty—who looked upon the riches and honors of this world as dust and ashes in comparison of the principles upon which they built their steadfast faith—who not only loved liberty as something desirable in itself and essential to the dignity of human nature, but regarded it as a solemn *duty*, to free themselves from every species of restraint that was incompatible with the fullest rights of conscience—who, possessing all that devotedness and elevation of character, so natural to minds nursed in the habitual contemplation of such subjects and penetrated with their majesty and importance, had learned in the sublime language of RACINE, "to fear God, and to know no other fear"—it was such men as these, together with the unfortunate, the persecuted, the adventurous, the bold, the aspiring of all climes and conditions, congregated and confounded in one vast asylum, and

exercised, by the hardships incident to the colonization of a new country, with a sort of Spartan discipline—that laid the foundation of those flourishing commonwealths, whose first united efforts are the subject of this commemoration. Is it wonderful that a nation, composed of such elements and accustomed, too, to go on from one reform of abuses to another (for it is very important to observe that the whole history of the colonies is a history of successive revolutions in their municipal government and administration, and it is only by a figure of speech that we confine that term exclusively to the declaration of independence) should have shown themselves, at once, so sensitive and so determined, in a contest in which their rights were so seriously concerned?

But, although the situation of the country and the peculiar character of the people, go very far to explain the phenomenon I have noticed, it might be shewn—if either the limits to which I am confined, or the nature of this address, would permit me to enter into one of the most curious speculations in the history of the human mind—that it is not unconnected with causes of a more general nature—that a most surprising revolution has taken place in the whole structure of society—and that nothing, therefore, can be more superficial than to reason from what are called the analogies of former republics to the condition and prospects of our own. It is, of course, difficult to convey an adequate idea of so complicated a subject in a single hint—but I cannot refrain from observing, that the difference seems chiefly to consist in the habits of abstraction and reflection which have prevailed so much more for a century or two past, than they ever did at any former period, and in the consequent attachment to *principles* and *laws*, as if they were something tangible and personified—just as, in religion, the worship of images, of sensible representations of the Deity, which is of the very essence of the mythologies of early ages and the faith of simple minds, is utterly rejected by the more severe and spiritual, but not less rapturous devotion of a more philosophic era.

But *another* most fortunate and striking peculiarity of the Revolution we are celebrating is that it occurred in a NEW WORLD.

The importance that ought to be attached to this circumstance will be obvious to every one who will reflect, for a moment, upon the miracles which are exhibiting in the settlement of this country and the increase of its population. Behold how the pomœrium of the republic advances in the wilderness of the West! See how empires are starting up into being, in periods of time, shorter even than the interval between infancy and manhood in the span allotted to the individuals that compose them! Contemplate the peaceful triumphs of industry—the rapid progress of cultivation—the diffusion of knowledge—the growth of popu-

lous cities, with all the arts that embellish life, and soften while they exalt the character of man—and think of the countless multitudes that are springing up to inherit these blessings! The three millions by whom our independence was achieved, less than half a century ago, are already grown to *ten*, which in the course of another half century will have swelled up to *fifty;* and so on, with a continually accelerated progress, until, at no distant day, the language of MILTON shall be spoken from shore to shore, over the vastest portion of the earth's surface that was ever inhabited by a race worthy of speaking a language consecrated to Liberty.

Now—to feel how deep an interest this circumstance is fitted to throw into the story of the Revolution—let us imagine a spectator of the battle of Bunker's Hill—or let us rather suppose an *actor*, in that greatest and proudest of days, to have turned his thoughts upon the future, which we see present and realized. Would he not, think ye, have trembled at the awful responsibility of his situation? Would he not have been overwhelmed with the unbounded anticipation? It depends upon *his* courage and conduct, and upon the strength of *his* right arm, whether, not his descendants only—not some small tract of country about his own fireside—not Massachusetts alone—No! nor all that shall inherit it in the ages that are to come—shall be governed by satraps and viceroys, or as reason and nature dictate that they should be—but whether, a republic, embracing upwards of twenty distinct and great empires, shall exist or not—whether a host, worthy to combat and to conquer with JACKSON, shall issue from the yet unviolated forests of Kentucky and Tennessee, to spurn from New-Orleans the very foe, whose vengeance he now dares, for the first time, to encounter in the field, when that foe shall be crowned with yet prouder laurels, and shall come in more terrible might—whether the banks of the great lakes shall echo to the accents of liberty, and the Missouri and the Mississippi roll through the inheritance of freemen!

But there is yet another point of view, in which the circumstance of the Revolution occurring in a new country cannot fail to strike you as peculiarly important. It gave our fathers, who were great reformers, an opportunity of purifying the fountains of society—of forming the character and controlling, in some degree, and directing the destinies of the infant commonwealth, by such principles as philosophy and experience had shewn to be best, although they had no where else been fully admitted in practice. They had no inveterate prejudices to encounter here—there was no inheritance of abuses come down from remote ages—they were no grievances established by custom—no corruptions sanctified by their antiquity. They were not afraid to correct a defect in one part, lest it should derange

every thing that was connected with it—to administer a mild and salutary remedy, lest the constitution should sink under it—to remove a superflous buttress, or unseemly scaffolding, lest the whole edifice should be loosened and convulsed to its foundation. In a word, they adopted amendments in their political institutions, just as they would have received improvements in agriculture and the mechanical arts—and while they made no change for the sake of change, and were remarkable for their entire exemption from that perverse enthusiasm, which has defeated more than one effort to do good, by aiming to do too much, they hesitated not to act upon many maxims of government which had been regarded, until then, as altogether visionary—to reduce to practice, as they have done with triumphant success, many projects of amelioration, that had been classed, by common consent, among the chimæras and imaginations of speculative minds. Thus, it had been taught, in almost every school of political philosophy, that democracy could exist only within a very narrow compass—and, but a few years before the Declaration of independence, an illustrious writer* expresses a doubt, whether a universal toleration of religions would ever become the standing policy of a great empire. Now, what would the simplest rustic in the United States say, if he were told that grave and wise men had pronounced the state of society, in which we have been living for fifty years, to be altogether imaginary and impossible.

VOLTAIRE remarks of the discoveries of COLUMBUS that all that was great and imposing in the eyes of men seemed to disappear before this species of new creation. The remark is striking, and might, I have sometimes thought, be applied to the equally bold and successful adventures of our fathers in the science of political society. The first voyage across the unexplored, and, as it was then thought, illimitable and shoreless deep, was scarcely further removed from the ignoble coasting of the Ægean Sea, than the formation of the constitution under which we live was from all that senates and lawgivers had before done in that kind—and it is, perhaps, not too fanciful to say, that the discovery of America has in this, as in some other respects, enlarged the boundaries of the moral world, as much as it did those of the natural world.

It is owing, then, to these circumstances that we find ourselves in a situation so novel and peculiar—so entirely unlike any of the antiquated and corrupt systems of the old world—so peaceful, so prosperous, so full of high hope, and unparalleled progression, and triumphant success. It looks almost like a special providence that this continent was not revealed to mankind until Europe was highly enlightened. It was then peopled, not

* Adam Smith.

by her outcasts (as the first settlers have been sometimes called) but by men who were in more respects than one, the elect of the earth—circumstances favoured them in their new abode—every germ of excellence and improvement was fully developed and expanded—all the vices and redundances and defects, produced, by accidental circumstances, in the institutions of older countries, were corrected and removed—the human race began a new career in a new universe, realizing the celebrated and prophetic lines of VIRGIL's Pollio—

Novus ab integro sæclorum nascitur ordo, &c.;

or, to borrow a most noble passage from one of the prose compositions of the first of poets and the first of *men*—the language in which MILTON himself has uttered a vision, inspired by his own holy zeal for social improvement, and the liberties of mankind—"methinks I see in my mind—a noble and puissant nation, rousing herself like a strong man after sleep, and shaking her invincible locks—methinks I see her as an eagle, mewing her mighty youth and kindling her undazzled eyes at the full midday beam, purging and unscaling her long abused sight at the fountain itself of heavenly radiance—while the whole noise of timorous and flocking birds, with those also that love the twilight, flutter about amazed at what she means.

Such was that memorable epoch in the history of man, the Declaration of American Independence—such were the triumphs of the heroes and sages of '76—such were the principles upon which they acted—such was the inheritance they bequeathed to us—such the example they set to the world. And, upon such an occasion—while we are celebrating so great a jubilee of national independence and happiness—should we—can we be indifferent about the progress of those principles, and the influence of that venerable example? Can we look, without the deepest concern, upon the extraordinary scene that is acting in Europe? Can we witness, without the strongest feelings of scorn and detestation, that conspiracy of a few insolent men against the liberties and improvement of the whole species, the HOLY ALLIANCE? And can we reflect, without shame and sorrow, that those who conquered at Lodi and Marengo, are cowering and submissive under such a yoke—and that the swords, which have so often flashed in the blaze of battle, where empires were at stake, and kings were pale with fear, now sleep in their inglorious scabbards—and that the bosoms which, but yesterday, beat high in the exultation of glory and conquest, are brooding with impotent anguish and "wordless ire" over wrongs that cannot awaken their courage—and oh! can we think, without, from the bottom of our hearts, imprecating discomfiture and

utter ruin upon those audacious usurpers, that an army of Frenchmen has been marched over the Pyrennees—a slavish instrument of dishonor and ruin—to blast there the very best fruits which their own high example has yet produced—and that a spirit, worthy of the ancient freedom of ARRAGON and the hereditary pride of CASTILE—that the spirit of that noble people that dared to resist and to revenge, when these mighty men were happy to fawn, and proud if they were not trampled upon—that a spirit, of which the heroic elevation is equalled only by its innocence and honesty—should, in the age in which we live, be made the object of a crusade, a thousand times more hateful and pernicious, than ever disgraced the ignorance and fanaticism of the darkest times! And when is it that these conspirators against mankind are pouring their myrmidons into Spain? At the very moment when they are pursuing, with respect to Greece, a policy so totally—and, were it not an evidence of reckless consistency in an evil scheme, I should add, so astonishingly different—when they have been utterly deaf to the voice of patriotism and valour—of kindred sympathies, and a common religion, imploring their assistance from the heights that look over Thermopylæ—when they have renounced their connection with the land of HOMER and LYCURGUS and SOPHOCLES and PLATO—with the school to which modern genius is indebted, for the elements of every art and every science—with the GREAT MOTHER COUNTRY of all freedom and civilization—because, I suppose, she too is guilty of the inexpiable crime of rebellion!—that is to say, because she has, AT LENGTH, risen up as with the resuscitated might of MARATHON and SALAMIS, against the brutal barbarism by which she has been, for so many ages, degraded and polluted and trodden under foot! But honour to the valour of the free! Honour and glory to those who dare to be MEN! Greece has again done wonders, and Europe will again be convulsed, until every throne in it, that is not supported by the love of the people, shall be shaken down and buried in the dust. They are greatly deceived—at least I fondly think so—who imagine that the revolutionary spirit, as it is called, has been quelled either by battle or strict league—either at Waterloo, or Vienna. Despotism is, indeed, mighty at present—mighty in its own resources—still more mighty, in what gives strength to all usurpers, the fears and divisions and weakness of the people. But it is at war with the eternal nature of things, and its triumph *cannot* be enduring. Let it revel in the drunkenness of its recent successes! Let it soothe itself with the calm that reigns for a moment! It will soon find that there is something ominous and fearful in it—that it is the pause of the elements, when they are gathering strength and fury for

some sweeping desolation—the gloomy, portentous, appalling stillness, that is wont to precede the terrors of the earthquake!

> "Fond, impious men! think ye yon sanguine cloud
> Raised by your breath, hath quenched the orb of day?
> To-morrow he repairs his golden flood,
> And warms the nations with redoubled ray."

I have, already, trespassed so much upon your patience, that I find myself constrained to omit, entirely, a topic upon which I should otherwise have insisted with peculiar satisfaction—and which ought to be exhibited in the most striking lights to the youth of this country, and to be impressed upon their minds, and recommended to the enthusiasm of their hearts, by every variety of argument and illustration—I mean the fact that the name of REPUBLIC is inscribed upon the most imperishable monuments of the species, and the probability that it will continue to be associated, as it has been in all past ages, with whatever is heroic in character, and sublime in genius, and elegant and brilliant in the cultivation of arts and letters. It would not have been difficult to prove that the base hirelings who, in this age of legitimacy and downfall, have so industriously inculcated a contrary doctrine, have been compelled to falsify history and abuse reason. I might have "called up antiquity from the old schools of Greece" to shew that these apostles of despotism would have passed at Athens for barbarians and slaves. I might have asked triumphantly, what land had even been visited with the influences of liberty, that did not flourish like the Spring? What people had ever worshipped at her altars, without kindling with a loftier spirit and putting forth more noble energies? Where she had ever acted, that her deeds had not been heroic? Where she had ever spoken, that her eloquence had not been triumphant and sublime? It might have been demonstrated that a state of society in which nothing is obtained by patronage—nothing is yielded to the accidents of birth and fortune—where those who are already distinguished, must exert themselves lest they be speedily eclipsed by their inferiors, and these inferiors are, by every motive, stimulated to exert themselves that they may become distinguished—and where, the lists being open to the whole world, without any partiality or exclusion, the champion who bears off the prize, must have tasked his powers to the very uttermost, and proved himself the first of a thousand competitors—is necessarily more favourable to a bold, vigorous and manly way of thinking and acting, than any other. I should have asked with LONGINUS—who but a Republican could have spoken the philippics of DEMOSTHENES? and what has the patronage of despotism ever done to be compared with the spontaneous productions of the Attic, the Roman and the Tuscan muse?

With respect to ourselves, who have been so systematically vilified by British critics—if any answer were expected to be given to their shallow and vulgar sophistry, and there was not a sufficient practical refutation of it, in the undoubted success of some of the artists and writers that are springing up in our own times—we should be perfectly safe, in resting, upon the operation of general causes and the whole analogy of history, our anticipation of the proudest success, in all the pursuits of a high and honorable ambition. That living, as we do, in the midst of a forest, we have been principally engaged in felling and improving it—and that those arts, which suppose wealth and leisure and a crowded population, are not yet so flourishing amongst us as they will be in the course of a century or two, is so much a matter of course, that instead of exciting wonder and disgust, one is only surprised how it should even have attracted notice—but the question, whether we are destitute of genius and sensibility and loftiness of character, and all the aspirings that prompt to illustrious achievements, and all the elements of national greatness and glory, is quite a distinct thing—and we may appeal, with confidence, to what we have done and to what we are, to the Revolution we are this day celebrating, to the career we have since run, to our recent exploits upon the flood and in the field, to the skill of our diplomacy, to the comprehensive views and undoubted abilities of our statesmen, to the virtues and prosperity of our people, to the exhibition on every occasion of all the talent called for by its exigencies and admitted by its nature—nay, to the very hatred—the vehement and irrepressible hatred, with which these revilers themselves have so abundantly honored us—to shew that nothing can be more preposterous than the *contempt*, with which they have sometimes *affected* to speak of us.

And, were there no *other* argument, as there are many, to prove that the character of the nation is altogether worthy of its high destinies, would it not be enough to say that we live under a form of government and in a state of society, to which the world has never yet exhibited a parallel? Is it then *nothing* to be *free?* How many nations, in the whole annals of human kind, have proved themselves worthy of being so? Is it nothing that we are Republicans? Were all men as enlightened, as brave, as *proud* as they ought to be, would they suffer themselves to be insulted with any other title? Is it nothing, that so many independent sovereignties should be held together in such a confederacy as ours? What does history teach us of the difficulty of instituting and maintaining such a polity, and of the glory that, of consequence, ought to be given to those who enjoy its advantages in so much perfection, and on so grand a scale? For, can any thing be more striking and sublime, than the idea

f an IMPERIAL REPUBLIC—spreading over an extent of terri-ory, more immense than the empire of the Cæsars, in the accu-nulated conquests of a thousand years—without præfects or roconsuls or publicans—founded in the maxims of common ense—employing within itself no arms, but those of reason—nd known to its subjects only by the blessings it bestows or erpetuates—yet, capable of directing, against a foreign foe, all he energies of a military despotism—a Republic, in which men re completely insignificant, and *principles* and *laws* exercise, hroughout its vast dominion, a peaceful and irresistible sway—lending in one divine harmony such various habits and conflict-ng opinions—and mingling in our institutions the light of phi-osophy with all that is dazzling in the associations of heroic chievement and extended domination, and deep seated and for-midable power!

To conclude: Our institutions have sprung up naturally in the progress of society. They will flourish and decay with those improvements of which they were the fruit—they will grow with the growth of knowledge—they will strengthen with the strength of reason—their influence will be extended by every advance of *true* civilization—every thing that has a tendency to make man wiser and better, will confirm and improve and adorn them. If humanity was not endowed, in vain, with such noble faculties, many ages of glory and freedom are before us—many nations shall learn, from our example, how to be free and great. The fortunes of the species, are thus, in some degree, identified with those of THE REPUBLIC—and if our experiment fail, there is no hope for man on this side of the grave.

And now, my friends! Let us be proud that we are free—let us exult in a distinction as singular as it is honorable. Our country exhibits the last specimen of that form of government, which has done so much for the dignity and happiness of man. It stands alone—it is surrounded with ruins. In the language of BYRON—

> The name of Commonwealth, is past and gone
> O'er the three fractions of the groaning globe.

But, painful as is that reflection, we may be allowed to repeat, with honest triumph, the lines which follow—to proclaim to the world, that

> "Still one great clime,
> Whose vigorous offspring by dividing ocean
> Are kept apart, and nursed in the devotion
> Of freedom, which their fathers fought for and
> Bequeathed—a heritage of heart and hand,
> And proud distinction from each other land—
> Still ONE GREAT CLIME, in full and free defence
> Yet rears her crest—unconquered and sublime—
> Above the far Atlantic."

SPEECH BEFORE THE UNION PARTY.

Speech delivered before the Union and State Rights Party, July 4th. 1831. Charleston. S. C.

MR. LEGARÉ said he was obliged to the meeting for the opportunity offered him, according to an established usage, of saying what he thought and felt upon the momentous occasion, (for so it seemed to him) that had brought them together, and would gladly avail himself of it to speak very much at length, were it not physically impossible to make himself be heard in so vast an assemblage. He thought it due to himself and to those who were of the same way of thinking, that their sentiments should be fairly and fully expressed—for he had no doubt that they were such as would meet the hearty concurrence of a great majority of the people of South-Carolina. He felt the less regret, however, at the self-denial he was obliged to practice, because the able speech of the Orator of the day had maintained the doctrines which he (Mr. L.) professed, and for which, as the representative of the people of Charleston, he had strenuously, and, he flattered himself not unsuccessfully, contended in the Legislature of the State during several successive sessions. These doctrines they had heard expounded and enforced, that morning, by a man and in a manner worthy of the proudest days of this proud city, nor did he think that any one could have listened to that discourse, without being the wiser and better for it.

It has been frequently thrown out of late, in the language of complaint and censure, (said Mr. L.) and on a recent occasion, very emphatically, by a gentleman for whom on every account, I entertain the profoundest respect, that there is a certain party among us, who seem much more intent upon "correcting the errors of some of our Statesmen" (as they are said *modestly* to express it) than upon putting their shoulders to the wheel along with the rest of their fellow-citizens, in an honest and manly effort to relieve the State from the burdens under which it is thought to be sinking—in plain English that their pretended hostility to the tariff acts is all a sham. Sir, this would be a severe rebuke, if it were deserved. I for one should be very sorry to think that the part I am taking in the proceedings of this day were open to that construction. God knows it was with *extreme* reluctance that I made up my mind to take this step.

But what was I to do? What alternative has been left us by those who have the constructive majority of the State, that is to say, the majority of the Legislature at their back? They have chosen to narrow down the whole controversy concerning the American system to a single point. They have set up an issue and demand a categorical expression of opinion upon the expediency of immediately interposing the sovereign power of the State, to prevent the execution of the tariff law. That is to say, according to Mr. M'Duffie's reading, (the only sensible reading) of that rather ambiguous phrase, to raise the standard of the State, and to summon her subjects, by the allegiance which they owe to *her*, to gather around it in order to resist a law of Congress. Sir, if I do not misunderstand all that we have recently heard from men in high places, (and if I do misunderstand them, it is not because I have not most anxiously and patiently examined whatever they have said and done) this, and this alone, is the question now before us. In such a question all minor considerations are swallowed up and lost. Upon such a question, no man can, or ought to be—no man in the face of a community, excited and divided as this, *dare* be neutral. It is propounded to us, after the fashion of the old Roman Senate—you who think thus, go thither—you who are of *any other opinion* stay here. The country calls upon every individual, however humble he may be, to take his post in this mighty conflict. Sir, I obey that paramount command, and be it for weal or be it for woe, be it for glory, or be it for shame, for life and for death, here I am.

But, Sir, I repeat it, I should most deeply regret that what we are now doing should be thought to give any countenance to any part of the "American System." It is known, I believe, to every body present, from various publications which have been long before the community, that I think that system unconstitutional, unjust and inexpedient. This opinion I did not take up hastily, for with regard to the tariff, I, in common with every body else in the State, once thought it within the competency of Congress. But more mature inquiry has resulted in a change of my opinion upon that subject, and although I dare not express myself so confidently in respect to it as it is the habit of the times to do, I must be permitted to say, that I am more and more strengthened in that conviction by every day's experience and reflection. Sir, if I had any doubt about the matter, the proceedings of this day would be sufficient to dispel it. It is melancholy to think of the change which has been made in the feelings and opinions of some of the best and ablest men among us, by this pernicious system—to reflect that alienation and distrust, nay, in some instances, perhaps, that wrath and hostility now possess those bosoms which were but a few years ago warmed with the loftiest

and the holiest enthusiasm for the government of their own and their father's choice. The authors of this policy are indirectly responsible for this deplorable state of things, and for all the consequences that may grow out of it. They have been guilty of an inexpiable offence against their country. They found us a united, they have made us a distracted people. They found the Union of these States an object of fervent love and religious veneration; they have made even its utility a subject of controversy among very enlightened men. They have brought us not peace but a sword. It is owing to this policy that the government has to bear the blame of whatever evils befall the people, from natural or accidental causes—that whether our misfortunes spring from the barrenness of the earth, or the inclemency of the seasons, or the revolutions of commerce, or a defective system of domestic and rural economy—or, in short, from any other source, they are all indiscriminately imputed to the tariff. The decay and desolation which are invading many parts of the lower country—the fall in the price of our great staple commodity—the comparative unproductiveness of slave labor—are confidently declared to be the effects of this odious and tyrannical monopoly. Sir, firmly convinced as I am that there is no sort of connection, (or an exceedingly slight one) between these unquestionable facts and the operation of the tariff law, yet I do not wonder at the indignation which the imposition of such a burthen of taxation has excited in our people in the present unprosperous state of their affairs. I have sympathized and do sympathize with them too deeply to rebuke them for their feelings, however improper I deem it to be to act upon such feelings, as recklessly as some of their leaders would have them do.

Sir, it is not only as a Southern man, that I protest against the tariff law. The doctrine of Free Trade, is a great fundamental doctrine of civilization. The world must come to it at last, if the visions of improvement in which we love to indulge are ever to be realized. It has been justly remarked that most of the wars which have for the last two centuries desolated Europe, and stained the land and sea with blood, originated in the lust of colonial empire, or commercial monopoly.—Great nations *cannot be held together under a united Government* by any thing short of despotic power, if any one part of a country is to be arrayed against another in a perpetual scramble for privilege and protection, under any system of protection. They must fall to pieces, and if the same blind selfishness and rapacity animate the fragments which had occasioned the disunion of the whole, there will be no end to the strife of conflicting interests. When you add to the calamities of public wars and civil dissensions, the crimes created by tyrannical revenue laws, and the bloody penalties necessary to enforce them, the injustice done to many

branches of industry, to promote the success of others, the pauperism, the misery, the discontent, the despair, and the thousand social disorders which such a violation of the laws of nature never fails to engender, you will admit, I think, that the cause of Free Trade is the great cause of human improvement. Sir, I can never sufficiently deplore the infatuation which has brought such a scourge upon this favored land—which has entailed, so to speak, the curse of an original sin upon a new world, and upon the continually multiplying millions that are to inhabit it. Most heartily shall I co-operate in any measure, not revolutionary, to do away with the system which has already become a fountain of bitter waters to us—which threatens to become to another generation a source of blood and tears—and I heartily rejoice at the dawn of hope which has opened upon us in the proposed Convention at Philadelphia. Not that I am sanguine as to the *immediate* result of such a meeting; but, if it be filled, as it ought to be, with leading and enlightened men from all parts of the country, which think as we do upon this great subject, it will awaken the attention of the people, it will lead to general discussion, it will give scope, if I may so express it, for the operation of those momentous truths on which we rely, and I cannot, and will not despair of the Republic, as it came down to us from the most venerable band of sages and heroes that ever laid the foundation of a great empire, until I become satisfied by much better evidence than any I have yet seen, that it is in vain to appeal to the good sense and kindly feelings of the American people. Meanwhile, to the measure which is now under consideration, and which, by whatever name it may be called, is, in my opinion, essentially revolutionary, I am, as I ever have been, decidedly opposed. I regarded it, when it was first mentioned in 1828, as an ill-omened and disastrous project—calculated to divide us among ourselves, to alienate from us the minds of our natural allies in such a struggle, the agricultural states in our neighborhood, and to involve us in difficulties from which we should not be able to retreat without dishonor, and in which we could not persevere without inevitable and irretrievable ruin—I might have been wrong, but I acted upon deep and solemn conviction, and I thank God, from the bottom of my heart, for being permitted to indulge in the consoling persuasion, that my humble labors on that memorable occasion did contribute in some degree to avert these calamities.

Sir, this is no occasion for going into a detailed analysis of the doctrine of Nullification, a doctrine which, as taught in "the Exposition," I undertake to say involves just as many paradoxes and contradictions as there are topics relied on to maintain it—but I cannot refrain from presenting a single view of it, which is of itself entirely conclusive. You will observe, Mr. President,

that the difference, between us and the advocates of this doctrine, is not as to the question how far a State is *bound* to acquiesce in an unconstitutional act of Congress; or (which is the same thing) how far it has a right "to interpose to arrest the progress" of such legislation. We admit this right in the most unqualified manner; for, *if* the law be unconstitutional, it is no law at all. So far there is no difference and can be no difference between us. The question is not as to the *right*, nor even as to the remedy, but as to what shall ensue upon the *exercise of the right*, or the application of the remedy. The advocates of Nullification insist upon it, that the interference of the States in such a case would be a peaceful act—we say it would be, even upon *their own showing*, an act of war—a revolutionary measure—a remedy derived from a source above all law, and an authority which bows to no arbiter but the sword—and this is susceptible of as rigorous demonstration as any point within the whole compass of public law.

For the sake of argument, I concede all that the most extravagant writers in our newspapers have ever assumed, and a great deal more than the most able of them can prove—I will grant that the government of the United States is no government at all—that it is not only a compact between independent States, but that it is a compact of no peculiar solemnity or efficacy—conveying no powers not usually granted by international treaties, establishing no intimate relations between the different parts of the country, not subjecting the *citizen*, in the *least*, to the jurisdiction of the Federal Courts, not binding upon his conscience, not imposing upon him the obligations of allegiance, not making him liable in any case to the penalties of treason. I will put the case as strongly as possible for the advocates of the doctrine. I will suppose that this constitution, of which we have been boasting so much for near half a century, is found out to be a league between foreign powers, and that every question that can arise under it is, in the strictest sense of the word, a merely *political* question. What then, Sir? Did you ever hear of one party to a league having a right—not to judge for himself of its meaning, mark the distinction—but—to *bind the other party by his judgment*? I admit that there is no common arbiter—that each of the parties is to judge for himself—does that mean that he shall judge for the others too? A compact between States is as binding as a compact between individuals—it creates what is called by text writers "a perfect obligation"—there is no doubt but that a sovereignty is obliged before God and man scrupulously to fulfil the conditions of its agreements. But sovereignties with regard to each other are in a state of nature—they have no common superior to enforce compliance with their covenants, and if any difference arise as to their rights and liabilities under

them, what says the law of nature and nations? Why what can it say, but that each shall do as it pleases—or that force shall decide the controversy? Is there any imaginable alternative between the law and the sword, between the judgment of some regularly constituted umpire, chosen before hand by the common consent of the contracting parties, and the *ultima ratio regum?* Sir, we have been told that state sovereignty is and ought to be governed by nothing but its own "feelings of honorable justice," —it comes up, in the declamation of the day, to the description of that irascible, imperious and reckless hero, whose wrath and the woes it brought upon his country are an admirable theme for an epic or a tragic song, but would not, I suppose, be recommended as the very highest of all possible examples in morality.

> Impiger, iracundus, inexorabilis, acer,
> Jura negat sibi nata, nihil non arrogat armis.

Yet strange to say, the very men, who paint to us the sovereignty of the States in such colors, and would cavil about the ninth part of a hair where their own rights and interests are concerned, forget entirely that there are any other parties to the compact but South-Carolina, or that those parties have any right to exercise, or any interests to maintain! "We have a right to judge for ourselves," say they, "how far we are bound by the Constitution, or how far we shall comply with it." Grant it. But what of the other twenty-three parties? Are they bound by *our* decision? Shall they not think for themselves, because we say that an act, which they have all declared (or the great majority of them) to be within the meaning of the treaty and binding upon us, is not so? *If* our opinion is just we are not bound. Admit it. But *if* their's is just we are bound. Now the whole fallacy of the argument on the other side consists in coolly taking for granted the very matter in dispute—in blotting out this *if*—in denying to others the very right of judging which we claim for ourselves—and in expecting them, exacting it of them, to act upon our convictions instead of their own.

Sir, it may be that they will do so. Instances upon instances have been laboriously compiled of late, by a writer in one of the leading journals of the country, to show how often the Government has been forced, right or wrong, to yield to the resistance of the States. I shall say nothing of these examples—except that *some* of them have never been mentioned until recently but with scorn and indignation. But I maintain that not one of them—no, not one—goes to show that the other parties to the compact might not, if they had been so minded, have rightfully insisted upon enforcing their construction of the contract. I will only remark, as to Georgia and the Cherokees, that as that State was clearly right in her pretensions from first to last, so she main-

tained her rights by open force, and made no scruple about professing to do so.

Mr. President, the argument which I now advance is too clear for controversy. It addresses itself to the common sense of mankind, and the bare stating of it is sufficient to show how incongruous and absurd the doctrine of the *veto* is, so far as it rests upon general reasonings, and the law of nature—the only law acknowledged by sovereigns. But if any authority be wanted to confirm it, then is abundance of it at hand. Look into the writings of publicists—they are full of it. By the established law of nations, each party construes a treaty for itself—but then it allows the other to do the same, and, if the difference between them be deemed important enough, that other has the option either of *rescinding the whole treaty*, (in the case before us, putting the State out of the Union) or making war to enforce it. "If one of the allies fails in his engagements, (says Vattel,) the other may constrain him to fulfil them; this is the right derived from a perfect promise. But, if he has no other way but that of arms to constrain an ally to keep his word, it is sometimes more expedient to disengage himself from his promises and break the treaty. *He has undoubtedly a right to do this;* having promised only on condition that his ally should accomplish, on his side, every thing he is obliged to perform. The ally, offended or injured in what relates to the treaty, may then choose either to oblige the perfidious ally to fulfil his engagements, or declare the treaty broken by the violation of it."—*Vatt. Sec.* 200. This civilian then proceeds to lay down the rule, that the violation of one article of the treaty is a violation of the whole. He admits that this ought not to be rashly done, and says that the sovereign deeming himself agrieved "is permitted to threaten the other to renounce the entire treaty—*a menace that may be lawfully put in execution, if it be despised.* Such is, doubtless, the conduct which prudence, moderation, the love of peace and charity would commonly prescribe to nations. Who will deny this, and *madly advance that sovereigns are allowed suddenly to have recourse to arms or wholly to break every treaty of alliance for the least subject of complaint?* But the case here is about a *right*, and not about the steps that ought to be taken to obtain justice—besides, the principle upon which such a [contrary] decision is founded, is *absolutely unsupportable*," &c.; and he goes on to demonstrate this more at large. He quotes Grotius to show that the clause is sometimes inserted, "that a violation of some one of the articles shall not break the whole, in order that one of the parties should not get rid of the engagement on account of a small offence."—*See Sec.* 202.

Now it would be mere caviling to say that Vattel allows of this appeal to arms only where the party that has recourse to

such measures is, in fact, injured: for the question recurs who is to judge of that? Each party judges for itself at its peril, and war alone can "arbitrate the event," or if a peaceful course be preferred, the whole compact is at an end.

Shall I be told, in answer to this reasoning and the concurring opinions of all publicists of respectability, that Mr. Madison and Mr. Jefferson did not think so in '98? Sir, if they taught any other doctrine, I leave it to those who have better understanding than mine, to explain what they meant. But, if it be affirmed that the purport of their resolutions was that, by the inherent attribute of sovereignty, any single party to the Federal Compact may interpose in order to prevent the execution of a law passed by the rest, and that the *others may not maintain their construction of the constitution*, either by coercing that single State into acquiescence, or shutting her out of the Union altogether, at their option, then I have no hesitation in declaring it, as my opinion, that they advanced a proposition, inconsistent with every principle of public law, without a shadow of foundation in the Constitution of the United States, and utterly repugnant to the common sense of mankind. And what, if they did advance such a paradox, so novel, so singular, so incomprehensible? Are the opinions of two men—however respectable and distinguished—speculative opinions, too, for neither Virginia nor Kentucky *made a case* by acting upon these notions—are the adventurous and speculative opinions of two individuals, conceived and put forth in a time of great excitement, to settle the public law of this country, every thing in our constitution, and our books, and our common sense to the contrary, notwithstanding? Why, sir, even under the feudal system—a scheme of organized anarchy, if I may use the expression—the most that an injured feudatory ever claimed, was the right to make war upon his lord, who denied him justice, without incurring the penalties of treason. But it was reserved for the nineteenth century to discover that great secret of international law and to deduce it, too, by abstract reasoning, upon the fitness of things—a right of war in one party out of twenty-four, whenever the mood prompts, or doing what amounts to an act of war, accompanied by the duty of implicit acquiescence in all the rest! But the truth is, that neither Mr. Jefferson nor Mr. Madison had any such wild and chimerical conceits; as, I think, perfectly demonstrable from the very text cited to maintain the opposite opinion.

I have had occasion, frequently, to examine this subject, and I speak with confidence upon it. And, assuredly, that confidence is not diminished by the emphatic declaration of Mr. Madison himself—by the contemporaneous exposition of the resolutions in the Virginia Assembly—by the disavowal of the doctrine by all the leading members of the democratic party,

with Mr. Livingston at their head—and by the unfeigned surprise which the whole country, Virginia and Kentucky included, expressed upon the first propounding of this extraordinary proposition, in 1828. The Virginia resolutions talk of the right to interpose—do they say what is to ensue upon the exercise of that right? No, sir, they thought that intelligible enough—they were asserting no more than what has been so expressively and pointedly designated as the "right to fight," and they meant, if they meant any thing, no more than a declaration of opinion, to back their declarations by 100,000 militia, as I understand the phrase of the day to have been. This is the plain English of the matter—and one ground of objection to the "Carolina doctrine," as it has been called, (though I doubt, not very accurately,) is that it is not in plain English—that the people may be led, by a fatal deception, to do what they have never seriously contemplated, and what no people ought to do, without a solemn self-examination, and a deliberate view to consequences.

Sir, we have heard of "nursery tales of raw heads and bloody bones." I am sorry that such an expression escaped the lips of the distinguished person who uttered it, and I lament still more that he gave it to the world in print. I am sure when he comes to re-consider, he cannot approve it—unless, indeed, he means to declare that the rest of the States are too cowardly or too feeble even to attempt to enforce their construction of the compact. This may be so, but for my part, I cannot consent to act upon such a calculation. If we do what we firmly believe it is our duty to do, let us make up our minds to meet all consequences. If there is any feature of the American Revolution more admirable than another, it is that our fathers had fully counted the cost before they took a single step. The leaders of the people were at great pains to inform them of the perils and privations which they were about to encounter. They put them on their guard against precipitate determinations. They impressed it upon their minds that a period was at hand, which called for "patience and heroic martyrdom"—they had not as yet a country to save, or a government worth to be transmitted to posterity, or how much more anxious would their deliberations have been. The language of a great, popular leader at Boston, before the first overt act of resistance, has made a deep impression upon my mind, and deserves to be repeated here. "It is not the spirit that vapors within these walls, (said Mr. Quincy) that must stand us in stead. The exertions of this day will call forth *events*, which will make a very different spirit necessary for our salvation. Look to the *end*. Whoever supposes that shouts and hosannas will terminate the trials of this day entertains a childish fancy. We must be grossly ignorant of the importance and the value of the prize we are contending for—we must be equal-

ly ignorant of the power of those who are contending against us—we must be blind to that *malice, inveteracy*, and insatiable revenge which actuate our enemies, to hope we shall end this controversy, without the sharpest conflicts—to flatter ourselves that popular resolves, popular harangues, popular acclamations and popular vapor will vanquish our foes. Let us consider the *issue*. Let us *weigh and consider* before we advance to those measures which must bring on the most trying and terrible struggle this country ever saw."

To this complexion it *must* come at last, and the only question now submitted to the people of South-Carolina, is—Are you ready to absolve yourselves from your allegiance to the Government of the United States, and to take and maintain your station as a separate commonwealth among the nations of the earth?

I have confined myself, in the discussion of this subject, to a single point in one branch of it. I have said nothing about the extent of our grievances, so enormously exaggerated by the "Exposition." Even in regard to the proposed remedy by Nullification, I have chosen to take up the question as it is presented by the warmest advocates of that doctrine—and I submit that I have made it plain that, even on *their own showing*, it is necessarily an act of war—a revolutionary measure. But, in doing so, I have conceded a great deal too much—I have allowed them to treat our elaborate and peculiar polity, which we have been taught to regard as one of the master-pieces of human invention—as if it were the coarsest and loosest of those occasional expedients to preserve peace among foreign powers, leagues, offensive and defensive. If their argument is wholly inconclusive and indeed manifestly incongruous and absurd even in this point of view, what shall be said of it, when it is thoroughly and critically examined with reference to a true state of the case? Sir, I have no language to express my astonishment that such a doctrine should have found any countenance from the able and enlightened men who have given in their adhesion to it.

We have been taunted as *submissionists*—I am not afraid of a nickname—"Tis the eye of childhood that fears a painted devil." It would be easy—very, very easy to retort—but I prefer accepting our own denomination and putting my own interpretation upon it. I give you, Sir,

The Submission-men of South-Carolina—

"They dare do all that may become a man,
Who dares do more, is none."

SPIRIT OF THE SUB-TREASURY.

SPEECH on the Bill imposing additional Duties as Depositaries, in certain cases, on public Officers, delivered in the House of Representatives of the United States, October, 1837. *Washington, D. C.*

MR. CHAIRMAN:

I do not know how I can more appropriately begin the remarks I am about to make, than in the very words with which a most able English writer, addressing himself to the causes and character of the recent crisis, concludes his: "The events, (says Mr. Samuel Jones Lloyd, in a pamphlet published last spring,) which have occurred in connection with the late pressure upon the moneyed and mercantile interests, are full of instructive illustrations of the effects, both beneficial and otherwise, of our present system; and the evil consequences of this pressure will be as nothing, compared with its benefits; if, amongst these, we shall be enabled to reckon an increased degree of intelligence upon subjects connected with currency, and a nearer approximation to sound principles in the management of our paper issues." The revulsion, it is true, has been far more disastrous on this side of the Atlantic than in England; and yet, even at its darkest period—now, as I confidently believe, passed away to give place to returning prosperity,—I found consolation in the idea that, dearly as we were buying our experience in this important matter, the price would not be too high for the benefits we should ultimately derive from our reverses. A national visitation ought to be considered as a great providential lesson. It teaches the most momentous truths, and it teaches them in the most impressive manner, and what we have recently seen and felt will dispose us—if any thing can dispose us—to look the difficulties, with which this subject is surrounded, fairly in the face.

Sir, it *is* surrounded with difficulties. Even in England, as you perceive from the citation I have just made, they are felt and acknowledged by the most able men. I have upon my desk many other proofs of the same fact. They abound, for instance, in the Minutes of Evidence, taken before the Committee of the House of Commons, on the renewal of the charter of the Bank of England, in 1832. You will find there that, while high au-

thorities* agree in thinking that there should be but one bank of issue for the Capital, at least, if not for the whole country; the representatives of the great commercial and manufacturing interests, on the contrary, protest against the continuance of a monopoly to which they impute the most sinister influences over their immense business,† and demand a system of joint-stock banks, regulated by principles more agreeable, as they contend, to the course and policy of trade. A third party insists upon the necessity of compelling all banks of issue to give adequate security to the public, (in Government stock, &c.) for the redemption of their issues,‡ while every stockholder or partner shall continue to be, as at present, responsible for all the debts of the company, to the whole amount of his private fortune. A fourth, (and I have just received from London a little volume in which that opinion is most plausibly maintained,) urges the most unlimited freedom in banking; and sees no more danger to society from perfect liberty in this, than in any other branch of business,—the supplying, for example, the market of a great capital with the necessaries of life.§ In this perplexity and distraction of English opinion upon this subject, however, all parties agree in one thing, and that is, in adhering to the paper system. Nobody *there* thinks of any thing so extravagant as the overthrow of that system, whatever defects may be seen or supposed to exist in it, or whatever projects may have been imagined to purify, to correct, and to improve it.

But if such is the state of English opinion in regard to this subject, how must it be with us, when to all the intrinsic difficulties of the thing itself, we add those arising out of the complicated structure of our political institutions? It would be hard enough to say what ought to be done, in the present emergency, were this a simple consolidated Government, but how much harder is it to advise the administration of a *federal* Government as to the course it ought to pursue, where one happens to doubt its possessing *all* the power necessary to give complete relief, without a co-operation of others? For, sir, at the risk of being set down in that category of "tiny politicians" of whom the gentleman from Maryland, (Mr. W. Cost Johnson,) in a very amusing speech, in the course of which, however, he

* Messrs. Horsley Palmer, Tooke, Rothschild, &c.

† Messrs. Burt, Smith, and Dyer, of Manchester. It is worthy of remark, that these remonstrances were admitted to be well-founded by the change which, in consequence of them, was made in the law, in reference to *joint-stock* banks beyond 65 miles from London.

‡ Messrs. Ricardo, Maccullough, Norton, (the last in Minutes, &c. just cited).

§ Money and its Vicissitudes in Value, by the author of the Rationale of Political Representation, and Critical Dissertation on Value, &c. (Mr. Francis Bailey.)

uttered some grave and important truths, spoke last night with such profound contempt, I must confess I agree with the Executive in the general principles of constitutional law involved in the Message. In the division of the attributes of sovereignty between this Government and the States, it may and must happen that we should experience sometimes a chasm, and sometimes a conflict of powers. More is taken from the States, perhaps, than has been given to the confederacy, neither can do enough, while each can do too much, for perfect harmony; defects, discrepancies, and contradictions exist in the scheme itself, detected only in a long course of practice; and which nothing but practical skill, the wisdom called forth in the management of great affairs, especially political affairs, can reconcile and rectify. Undoubtedly the task is an immensely difficult one—but it must be undertaken, and it must be *done*. The subject before the committee is an example of the high and difficult duties I refer to; nor can I imagine an occasion better fitted than this, to awaken the House to a lively sense of its infinite responsibilities to the country.

Judge, then, sir, with what deep disappointment and regret, I learned that the bill on the table was to be pressed upon us at this short session. It is quite enough for me that it proposes a great innovation upon the whole course of the Government, from its foundation up to the present moment, and upon all the habits of our people. They who see deeper or clearer into such matters than I do must pardon me for declaring that I cannot, conscientiously, vote for the measure in such haste. If I had no *positive* objections to it, it would be quite enough for me, that I have not had sufficient time to reflect on it. During this extraordinary session, (for so it has been in every sense of the word,) fatigued, harassed, exhausted, by incessant attendance, by night and by day, in this Hall, it has not been in my power to inform myself on any subject as I could have wished to be able to do. I have had absolutely no time for minute research, hardly a few hours for calm reflection. Under such circumstances, I cannot vote for the bill. I must go home to my constituents and talk with them. Many, perhaps most of them, understand these matters better than I do; but when I left them, although this subject had been discussed, and ably discussed, here and there, by an individual or two, public attention had not been awakened to it: and nothing like an opinion—certainly no opinion favorable to the principle of the bill—had been formed in regard to it.

And here, sir, I might take my seat again, if I had risen only to explain my own vote, or to influence those of others, on the proposed measure. But the true issue seems to me very far to

transcend, in importance, that single measure, important as it unquestionably is. It involves, in my opinion, the whole CREDIT SYSTEM of the country. I do not say that the bill on your table presents that issue—still less that the Executive message presented it, or propounded any principle or opinion that should lead to it. But no one who has watched the progress of this discussion, in this House or in the Senate—in or out of this Capitol—will deny that it must soon come to *that*. Sir, if there is any truth, at all, in what has been urged with great ability and all the zeal, I had almost said, the fanaticism, of the deepest conviction, by men accustomed to influence, nay, even to control public opinion in different parts of this country—if they have any idea of rigorously carrying out the principles they profess, to their logical consequences, in practice—if what they say in the highest places, on the most solemn occasions, is not such idle declamation as such men are not to be suspected of—they mean that, and nothing short of that. Doctrines have been uttered, with all the authority which can be imparted to paradox from talent ripened by experience, which seem to me inconsistent with the constitution, not only of America, but of all modern society, with its whole spirit and tendency—with all its wants and all its ways. I have, sometimes, in the course of the debates, looked around me to see where I really was—whether the shade of some old lawgiver, some Minos or Lycurgus, had not been evoked, to bring a degenerate age back to the stern principles of Dorian polity, to an agrarian equality of property, to iron money and black broth—or else, if it were not, the spirit of Benedict or Bernard, returned to the holy solitudes of Monte Casino, or Cluni, or Citeaux, to preach to a world lost in vanity and pleasure, the blessings of poverty and the mortifications of the flesh. Now, sir, it may be true that luxury, according to the old saw, is the ruin of States, and that sumptuary and agrarian laws are necessary to maintain your true Spartan discipline. But I am excessively disinclined to try any such experiment upon my constituents; at least without receiving an express instruction, to that effect, from them. I am afraid they have no taste for black broth—that Spartan discipline will be irksome, and even revolting to them. In short, sir, I have reason to believe that, without being as deeply imbued, perhaps, as other people are, with the spirit of the age, they do still partake too much of it to be willing to forego the many agreeable objects that principally engage and excite it.

Sir, I am far from denying that, in the eyes of a stern reformer, with opinions of a certain complexion, this generation is a perverse and crooked one. We love money, I admit, as much as men ever did—certainly as much as they did in the Augustan

age, nearly two thousand years ago. The committee will excuse my quoting a very common piece of Latin to prove it, after the example of other gentlemen in this debate.

> Quærenda pecunia primum est:
> Virtus post nummos—Hæc Janus summus ab imo
> Prodocet.

Make money by all means, and before all things. Washington street certifies it to Wall-street, and Wall-street declares it to Broadway, and Broadway proclaims it to Chesnut-street, and Chesnut-street publishes it to the whole country. We have the same strong thirst for gold which has unhappily afflicted mankind in other times, and especially in very civilized ages; and the only difference is that we have learned how to acquire, by honest means, a thousand times more of it. I will add, however, in justice to the age, that it has made a great discovery in social philosophy. We have found out that what I would call physical civilization—a demand for the conveniences and accommodations of life, and an abundant supply of them—is, and must be, the basis of all other civilization, that is intended to be high, solid and lasting. Every real improvement in the condition of mankind springs out of, or leads to, the elevating of the *standard of comfort* among a people. Sir, this is the grand work—the mission—of modern commerce, which, in my opinion, is just beginning to develope its mighty resources—to pour out the inexhaustible fulness of its treasures, and its blessings. A great revolution is taking place—*has* taken place, in human affairs. War is every day becoming a more and more remote contingency. I do not say an impossibility. I know human nature too well for that I am fully aware, too, how many disturbing causes, growing out of the history of the past, still exist to prevent the realizing, all at once, of the great end of Christian civilization, the dream of Henry IV. and of Sully—the union of all nations in a state of peace under the protection of law. I know, especially, what is to be dreaded, in this respect, from that dark power that hovers over the confines of Europe and Asia, and throws its vast shadow over both. But, during my last residence of four years abroad, I saw sufficient grounds of quarrel to have led, under the old order of things, to twenty wars, as spreading and bloody as the Thirty Years' War, or the Seven Years' War—and yet these threatening differences passed harmlessly away, cloud after cloud dissolved as it rose above the horizon, leaving the sky more serene than before. Sir, it is a favorite phrase of those who boast of what is called "the march of intellect," that things are thus changed because the "schoolmaster is abroad." But I tell you that something far more effective than the schoolmaster, a mightier than Solomon is abroad. It is the

STEAM-ENGINE—in its two-fold capacity of a means of production and a means of transport—the most powerful instrument by far of pacification and commerce, and therefore of improvement and happiness that the world has ever seen; which, while it increases capital, and multiplies beyond all imagination the products of industry, brings the most distant people into contact with one another—breaks down the barriers which exclusive legislation would oppose to the freedom of mercantile exchanges—effaces all peculiarities of national character, and promises, at no distant period, to make the whole Christian world, at least, one great family. Sir, the social effects of this great instrument of modern improvement have been singularly promoted by a branch of industry, in which the part of the country, I have the honor to represent, is most deeply interested; and I will avail myself of this occasion to call the attention of the Committee to a view of our Southern institutions, that may not have occurred to it before, or made the impression it ought to make upon them. I beg you, sir, to believe that I do not speak in what is called a "sectional" spirit, for I protest before God that nothing can be further from my heart. But let not those whose minds have been recently so much inflamed, against what they consider as the abomination of domestic servitude, shut their eyes to the truth. Sir, I allude to the cultivation of cotton, and its effects, through the commerce it fosters, upon the condition of society. Whoever shall write the political history of that invaluable plant will have a more important work to perform than has ever fallen to the lot of a biographer of statesmen or philosophers. I will venture to say, without going more into details, that the single circumstance of bringing the wonderfully cheap fabrics produced by modern machinery, within the reach of even the humblest of the laboring classes, of substituting decent and comfortable raiment for the few scanty and filthy rags—the squalid exterior, which makes poverty not only more painful, but at once more humiliating and degrading to its victim, and more disgustful to others than it ought to be, will signally contribute to elevate the condition of the poor in the social scale—to raise their self-esteem, and to increase the sympathy of others for them—in a word to make them feel themselves men, entitled to a place among men—not pariahs and outcasts, whose contact is contamination. A people well clad and well housed will be sure to provide themselves with all the other comforts of life; and it is the diffusion of these comforts, and the growing taste for them, among all classes of society in Europe—it is the desire of riches as it is commonly called, that is gradually putting an end to the destructive and bloody game of war, and reserving all the resources hitherto wasted by it, for enterprises of industry and

commerce, prosecuted with the fiery spirit which once vented itself in scenes of peril and carnage.

But, sir, the result of all this is, that very inequality of wealth, that accumulation of vast masses of it in a few hands, against which we have heard so much said lately, as if it were something inconsistent with the liberties, the happiness, and the moral and intellectnal improvement of mankind. Gigantic fortunes are acquired by a few years of prosperous commerce—mechanics and manufacturers rival and surpass the princes of the earth in opulence and splendor. The face of Europe is changed by this active industry, working with such mighty instruments, on so great a scale. I have travelled in parts of the continent which the spirit of gain, with its usual concomitants, industry and improvement, has invaded since the peace, at an interval of fifteen years, and been struck with the revolution that is going on. There is a singularly beautiful, though rather barren tract of country, between Liege and Spa, where, in 1819, my attention had been principally attracted by the striking features of a mountainous region, with here and there a ruin of the feudal past, and here and there a hovel of some poor hind—the very haunt of the "Wild Boar of the Ardennes"* in the good old times of the House of Burgundy. I returned to it in 1835, and saw it covered with mills and factories, begrimed with the smoke and soot of steam-engines; its romantic beauty deformed, its sylvan solitudes disturbed and desecrated by the sounds of active industry, and the busy hum of men. I asked what had brought about so great a change, and found the author of it—a man having a more numerous band of retainers and dependents than any baron bold of the fourteenth century, and in every respect more important than many of the sovereign princes on the other side of the Rhine—was an English manufacturer, who had established himself there some twenty years ago, without much capital, and had effected all this by his industry and enterprise. Such, sir, is the spirit of the age—of course, in this young and wonderfully progressive country, it is more eager and ardent—and therefore occasionally extravagant—than any where else. But it is in vain to resist it. Nay, I believe it worse than vain. It is evidently in the order of nature, and we must take it with all its good and all its evils together. The great designs of Providence, in giving to the most active and enterprising of all races a new world to possess, to build up and to adorn, are not to be thwarted by our policy, even if we thought it good policy to thwart them; all the instincts of that race would revolt at a system, which would disappoint its high destiny.

Mr. Chairman, I have made these general remarks, because, as

* See Quentin Durward.

you will have perceived, they have a direct and important bearing upon the collateral issue presented by the advocates of this bill, though not in the bill itself, as something to be accomplished hereafter. In a country so much governed by opinion, it is all important that opinion should be enlightened; and errors, uttered by distinguished men in high stations, and surrounded with whatever talent can contribute to render them seductive and imposing, cannot, without public detriment, be suffered to pass unnoticed. On this occasion, as I have already intimated, it is far less the measure proposed, than what I consider as the *quo animo* of its advocates here and elsewhere, that has excited my alarms and my opposition. But I have objections which I will now proceed to state, to the policy of the bill itself.

There are two very distinct questions presented to the committee. The first is, shall the revenues be collected only in gold and silver; the second, how shall they when collected, be kept, and disbursed: shall *Sub-Treasuries* be established by the government, or shall banks be employed for that purpose, as heretofore—and if the latter course be preferred, then shall the banks be allowed the use of the public deposites, or shall special deposites only be made with them. It is very evident that these propositions have no necessary connection with each other, and that either of them may be approved or rejected, by those who do not reject or approve the other.

As to the collection of the revenue in specie, my objections are by no means so strong, or I should say so vehement now as they were at the opening of the session, when gold and silver were selling at a premium of nine or ten per cent. At that time it appeared to me that such a measure would have been a mere wanton act of oppression upon the people of the States, for no earthly good purpose whatever. It would have been simply authorising usurers and money brokers to lay upon the importers, and through these upon the consumers of foreign goods, that is to say, upon the public, and especially upon the planters of the south, a tariff of duties in a good degree arbitrary, for their own benefit and that of the functionaries of the Government. Believing as I did, and do, that the paper circulation of the country from the great and sudden contraction in consequence of the panic, was rather too much reduced than redundant, I confess, as I said on a former occasion, I could not see that justice, at least that equity and good conscience, made it imperative upon us to resort to so stern a measure; especially as the idea of furnishing by that means a broader metallic basis for our circulation had proved itself to our very senses to be completely fallacious. We all now see that not a dollar, collected by the Government and disbursed by its creditors, circulates for *one* moment as money, but is carefully hoarded and sold as merchandise; and

that this will continue to be the case as long as, from any cause whatever, exchanges shall be unfavorable to the country, is equally evident.

I admit that, since the fall of the price of gold and silver to five per cent., this objection loses somewhat of its weight, but it loses none of its truth. The same law of currency now operates, though in a mitigated degree, to make it an objectionable measure to repeal the act of 1816, and so to discredit, *pro tanto*, all bank notes in perpetuity. Yes, sir, to organize panic and perpetuate distrust, so far as your example has any weight. And why do so? What apology have you to make for an act that certainly requires one? What public occasion, what pressing exigency requires it? The message puts the subject, I admit, in a very specious and captivating form—it supposes the case of a war, and the Government to find its whole treasure suddenly turned into bank credits; and we are asked whether such a thing could be borne. But admit that, in case of war, the Government would be driven to that and any other measure of equal or even of greater severity. What then? Does it follow that such a system should be unnecessarily adopted in time of peace? But the truth is that, even in time of war, it would make less difference to the Government than is generally supposed. Certainly, some of its operations, distant naval expeditions and the like, would require gold and silver, and they must be had at whatever price from within or from abroad; but, after all, with such credit, as that of the United States now is, it is impossible to imagine that the nation should be embarrassed even for a single moment, by the failure of its banks to pay some millions in gold and silver. Look at England in the eventful period between the suspension of payment in '97 and the peace of 1815. It is now universally confessed that that measure, and that measure alone, boldly empirical as it was once thought, enabled her to sustain the burthens of that terrible conflict, and to achieve a triumph worthy of her generous constancy under misfortune. I do not therefore see how, even the necessities of war would compel Government, abounding in such resources of public credit as no other Government ever enjoyed, to resort to a measure so novel, so harsh, so inconsistent with the established order of things in the country, and with all the habits of the people.

But the great objection with me is, that which appears from a passage quoted by the gentleman from Virginia, (Mr. Garland,) to have presented itself to Mr. Dallas, in 1815. You will do some harm by refusing bank paper; considering how little specie there has ever been in this country, you may, by requiring it to be paid to you in a large amount annually, make it always an article of merchandize; you will thus permanently discredit bank notes, and render impossible the restoration of their convertibi-

lity. But that is not all; even should this mischief not ensue, you at least, by thus rejecting them, to the whole extent of your transactions, abandon the currency to its fate under the administration of the States. You make no efforts, you exert no influence to maintain its purity and uniformity, by distinguishing between corporations which redeem their notes, and those which are notoriously insolvent. You proclaim your distrust of all of them alike—you write it in your statute-book—however disastrous the condition of the monetary concerns of the States may be, through want of skill or want of concert, you leave them to themselves, and that when, standing in the most intimate and the most commanding relation towards them, you might, if you gave yourselves the least trouble about the matter, exercise a most salutary control over them, and remedy these great inconveniences for the benefit of us all. For, sir, it is not enough to say you have no *power*, strictly so called, under the constitution to regulate the currency. I admit that you have none. What then? Have you no *influence*—influence of example—influence of precept—influence of authority—influence of patronage influence of connection and custom in business, in the use of these very deposites? Has not the constitution provided that all defects in our institutions shall be corrected by amendments regularly recommended and introduced, and is it not one of your duties so to recommend and introduce them?

Why do you not urge upon the States any reform you may judge necessary in the matter? I appeal to every one that hears me, what he should think of an individual, who, possessing immense influence in a community, with an income of many millions a year, should, in a time of trouble, coolly withdraw himself from society, andhoard his money, like an usurer, in a commercial panic, waiting until the extreme necessities of his neighbors shall throw them upon his mercy? Is this the morality we are taught in our private relations? Shall nothing be expected from him to whom so much has been given? Shall he hide his light under a bushel? Shall he bury his ten talents in the earth, and escape condemnation as an unprofitable servant? And shall that be right in a government, which, in a private person, shocks the moral sense of mankind? in a government standing towards the people of this country in relations so very peculiar! Sir, what answer would you have to give to the States, if in a moment of public calamity, like that which is just passing away, feeling their distresses aggravated through your harsh exactions of what their people had not to give, appealing in vain to you for succour or for counsel, they were to hold to you the language which indignation and astonishment would naturally inspire, under such extraordinary circumstances? If they were to say to you, "We have done every thing to exalt and to magnify

you—we have clothed you with authority and awe—we have armed you with mighty powers, with the axes and fasces of supreme jurisdiction—we have surrounded you with all the glorious equipage and pomp of empire, endowed you with a vast treasury, with fleets, armies, senates, judges—that palace, these gorgeous domes— this *capitolium fulgens*—what for? that you should renounce all community of interest, all sympathy with us! that there should be no ties of affection or of duty between us! that you should ostentatiously proclaim yourselves, as your worst enemies have sometimes alleged that you are, a *foreign* government in the midst of our country, and even avail yourselves of a moment of cruel revulsion and calamity, to make us feel that you are so in spirit and in truth!" Sir, I do not know—I cannot conceive, how such a course should fail to strike every body as a perversion of all the eternal obligations of morality which are and ought to be as binding upon communities as upon the individuals that compose them—how gentlemen can, at such a moment as the present, entertain, without emotion, the strange proposition, that this government should bury itself, like Sardanapalus, in a selfish repose, a degenerate and inglorious indifference to all the interests of the country: or, if I can make such a comparison without shocking them too much, that, like Nero, it should fiddle while Rome is burning.

Agreeing, then, sir, with the Executive in the principles laid down in the Message, I differ with it in the practical inference deduced from them.—In the division of power between the government and the States, I think with it, that all that is required to meet this emergency has not been given to the former. But the inadequacy of our powers is no excuse for not exerting them to the uttermost for the public good, especially as there is reason to think that the convention did not foresee the present state of things. We can do much, if we cannot do every thing. The occasion calls only for a good will and a moderate share of practical ability; and I have no hesitation in saying that, among the existing banking institutions of the country, can be found ample means of accomplishing the two great objects of restoring specie payments, and maintaining hereafter, in all ordinary times, a convertible currency, which is all that we can expect to do.

Sir, I do not wish to be misunderstood. It is of the utmost importance that the paper of the banks should not only not in fact be depreciated, (as I believe is actually the case) but should be able to stand the only sure, and to the public at large, satisfactory test of that fact—I mean *convertibility* into specie. I am fully aware that the accident of a failure in the means of making their payments in the precious metals is one against which, according to the course of modern commerce, there can be no complete security; and that nothing can be more absurdly

exaggerated, than the importance attached to that occurrence, by persons not familiar with the principles of banking, when it happens in consequence of an extraordinary demand from abroad or a sudden panic within. Nay, more, I admit that the most usual effect of a great revulsion in trade is to throw much paper out of circulation; to contract the currency, and so to bring down exchanges and prices, and raise the value of the money that remains in the hands of the public. But a suspension of specie payments, though it may not be a *present* evil, is always fraught with danger. It is the indispensable duty of a statesman to put an end to it as soon as possible, either by encouragement or by compulsion. It is for this, among other reasons, that I so cheerfully acquiesced in the issuing of Treasury notes; inasmuch as it relieved us from the necessity either of directly refusing to take the paper of the banks at par, or by receiving it, (as we might otherwise very safely have done,) of betraying those companies into an impolitic enlargement of their issues, before the balance of payments had been turned in our favor—as I hope it will be by the coming crop. I regarded it as an excellent temporary expedient for avoiding, at present, this choice of evils. So far, I think nothing more unfounded than the general charge of insolvency against all our banks, which is so inconsiderately uttered by the press, and in debate, as well as the assertion repeated over and over again, on this floor, that the country is laboring under an excessive and depreciated currency. It is not yet so; but it will, I fear, very soon be so, if the banks do not make an effort to return to specie payments in the course of a few months. Now is the time to do so: now, that their issues are contracted; that importations have been checked; that exchanges are become more favorable; and that the great southern crops are about to be sent forward to make them still more so. Let every one interested in the fate of these institutions, as well as in the commercial prosperity of the country, exert whatever influence he may possess to bring about that result; and to deliver the banks from the temptations to dangerous excess, to which the return of an active and prosperous business will inevitably expose them, if they do not, once more, lay themselves under the restraint of convertibility.

Sir, should they unhappily take a different course, and should this government, after using all its influence and authority, to establish the currency of the country on a better footing, fail of success in its most zealous endeavors, I admit that it may be driven to the necessity of taking care of its own business and creditors, by independent legislation of its own. There is no doubt that a *variously* depreciated currency cannot be tolerated as the *settled system* of the country. The ports of one State

cannot be preferred to those of another, in this way, any more than by an express statute to that effect. Nor can the public creditor be justly paid in money *really* depreciated,—I mean not in reference merely to gold and silver, which are themselves liable to great fluctuations in value, but to the general mass of commodities that compose the conveniencies and necessaries of life. The effects of a redundant currency, when once they begin to be distinctly perceived, are counteracted by a general rise of prices. Money is twice as easy to be got, but you have to pay twice as much for every thing which it buys. But there is one class of persons who have no means of indemnifying themselves by raising the nominal value of their property or their claims. It is the class of those who live on fixed incomes—annuitants, fundholders, functionaries of States, pensioners. They are paid a certain *sum*, and with every diminution in the *value* it expresses, they lose just so much of what they are fairly entitled to. In this view of the subject, therefore, it is quite clear, that government is under the highest of all moral obligations to see that their dues be not paid them in what is really worth a great deal less than it purports to be.

What I have hitherto said relates to the first question propounded by the bill on your table—shall gold and silver only be received in payment of government dues. As to the second inquiry, sir, whether the revenue shall be kept by officers of our own, or by the banks; and if the latter, whether, in the shape of special or general deposite, so much has been said, and so ably said, upon that head, against the system recommended by the message, that I am very little disposed to trouble the committee with any additional remarks in regard to it. Were I driven to make a choice between the two plans referred to, I should, as at present advised, greatly prefer that of a special deposite, on a small commission, as at once the safest, the cheapest, and most simple—as departing less from our previous customs, and not being so liable to the great practical objection of going permanently to increase the already enormous and disproportionate influence of the Executive power, which, beyond all doubt, far exceeds any thing that was anticipated by the founders of the government, and seriously threatens to disturb, if not to subvert the whole balance of the constitution. I need not say that I have no reference whatever to the present, or any other individual incumbent. I speak of the operations of great general causes, and of a system, whose effects are almost entirely independent of the will of man. Another very grave objection to the scheme reported by the committee, in its resemblance, or, at least, its fearful leaning to that of a great political Bank of the United States, of which a justly celebrated report of one of my

predecessors upon this floor,* demonstrated, some years ago, the dangers and inconveniences, as I have always supposed, to the universal conviction of the people. But, although I should prefer the special deposite system to that of the committee of ways and means, I am not yet prepared to adopt it. That immense benefits have been conferred upon the country, by adding to its productive capital the large amounts of public money, which would otherwise have lain dormant in the Treasury, does not admit of a question. I will venture to say that, in the course of the half century that has elapsed since '89, countless millions have been the fruit of this truly paternal and beneficent system. Our predecessors, Mr. Dallas among them, seem to have been deeply impressed with this view of the subject. They seem to have felt themselves bound to render our system of taxation, which, even in its mildest form is, in fact, a *confiscation* of private property for public uses, as little burthensome as possible to the community. Sir, whatever we may think of the policy of pursuing their footsteps any further, no one can deny that they are entitled to the gratitude of the country for the past; and I, for one, am too sensible of the benefit, to throw it away without very mature consideration, unless under the pressure of a cogent necessity.

But we have been told, sir, that, far from being an innovation, this mode of collecting the public revenues was universal from the earliest times until the beginning of the last century—that is to say, until an age of philosophic light and diffusive civilization, at which another good old plan, established from time immemorial, the burning of witches and heretics, unhappily ceased too. This coincidence certainly appears to me to be entitled to some consideration; the committee will see that, in the matter of innovation, going back too far is at least as dangerous as going forward too rapidly. But there has been another reference to the examples of the past which struck me still more forcibly as a most extraordinary perversion of the lessons of experience. Sir, I do confess to you, that before any discussion had taken place, in either part of this Capitol, on the subject before you—long before I had heard of that allusion to the *Quæstor*, referred to the other day by my eloquent friend from New-York, Mr. HOFFMAN, at the bare stating of this project in its first conception and most

* Mr. McDuffie. Report of the Committee of Ways and Means, in 1831. Mr. Gallatin remarks of this system of Sub-treasuries, presented as an alternative to a Bank of the United States, in his celebrated pamphlet on that subject, that, "with the exception of the power of receiving private deposites, the object of which provision is not perceived, this is precisely the species of National Bank which has been suggested in the President's last Message (1830). The question whether the purchase of drafts would, as we think, be a charge on the treasury, or prove, as seems to be expected, a source of profit, is one of secondary importance. It is sufficient to observe that the issues of the State Banks could not, nor indeed is it expected that they could, be checked by this plan."

general outlines, certain images presented themselves to my mind and have ever since haunted it, in spite of all I could do to banish them. They were ideas that, in my simple way of considering such matters, shocked and alarmed me—ideas of Roman conquest and Asiatic despotism. I thought of that most fearful of all things, a vast empire, with power centralizing at its capital, with commerce centralized by the inevitable course of trade, which always and every where tends to centralization, at some great emporium, with its revenues collected only in gold and silver, to be hoarded, as was the way at Rome and Babylon, or Persepolis. I fancied I could see one of the Proconsuls or Prætors—the Bashaws of the Republic, as Montesquieu so justly calls them—Verres, for example—going forth with that same Quæstor, surrounded with an army of *publicans* or farmers of the revenue, to gather the dues of Rome in some devoted province—another Sicily—as dues were wont to be gathered by the Satraps of that military commonwealth, that is to say, wrung with their blood from subjugated nations, whose pleasant places were laid waste, without remorse, to glut the rapacity of conquest. Sir, I little imagined that such a system would have been cited, nay, alluded to, in this age, except with a view to inspire the horror and execration it is so well calculated to excite. Roman example! "The Demon City," (as it has been well called by a writer of genius,*) whose whole history, from beginning to end, is a tragedy far deeper and more dreadful than the tale of Œdipus or the Atridæ, and leading to a catastrophe of an awful political justice. Why, sir, there is nothing in the annals of Mongolian conquest, worse than the ravages perpetrated by her consuls—by Mummius, Paulus Æmilius, Sylla—in some of the fairest and most civilized portions of the earth. There were flourishing countries, whose fertility and population were exhausted by a perpetual drain of corn and gladiators to feed her lazy and licentious populace, and amuse them with the unutterable atrocities of her amphitheatre. And what was the end of all this misrule? Weakness, poverty, desolation, barbarism—the Goth, the Vandal, the Hun. Yet long before the footstep of a barbarian had been impressed upon the soil of the empire, as Gibbon has well remarked, long before that scourge of God, under whose horses' hoof the grass was said never to grow again, had been sent to avenge the wrongs of mankind, in the course of half a century after Constantine had founded a new Rome, whole tracts of fertile country had been completely depopulated and abandoned.† Even of that paradise of all this earth, on which poetry and panegyric have been exhausted in every age, in all

* Herder.

[† See the remarkable passage in Plutarch *de defectu oraculorum*, c. viii., as to the depopulation of Greece.]

languages, the *Campania felix*, a very considerable portion was become a waste. Nor, sir, was this owing only to the despotism of the Cæsars, as an excellent writer has well observed,* in reference to this passage of the "Decline and Fall," and as this committee will do well to remark. There co-operated with that misgovernment a curse which has been said, and is thus proved, to be worse than "the inclemency of the seasons and the barrenness of the earth,"† a *decreasing currency*. The supply of the precious metals had been for upwards of two centuries continually diminishing, while the quantity of them sent in quest of luxuries to the East, to return no more, had been increasing in the same proportion, and a revenue of £15 or 20,000,000 was constantly levied, in gold and silver, to be expended at a distant capital, or on the frontiers. This important fact speaks volumes to us on this subject. It is unquestionably true that one of the greatest calamities of the declining empire was a circulation diminishing so frightfully that the pay of a general, in the third century, was nominally not higher than that of a private had been in the reign of Augustus.‡ So much for the ROMAN SUB-TREASURY SYSTEM, and the example of the Quæstor!

But, sir, another objection to the present system is that it leads to *fluctuations* in the currency; and that brings me to consider the general effects of the CREDIT SYSTEM upon the prosperity of the country.

I begin by admitting that there is something in this objection, but by no means as much as is thought by persons who have not very attentively considered the subject. Undoubtedly if your revenue, instead of being uniform, or at least varying very little from year to year, be permitted to fluctuate extremely—if a great surplus like that of which you disposed last year is to be allowed ever and anon to accumulate, and then to be withdrawn from one depository and scattered among many others, to be again suddenly withdrawn from them, and ultimately distributed without reference to the wants of commerce and the course of business, but on merely arbitrary principles, among the States—if such financial blunders are to be repeated often in our future policy, we should do well to confine the effects of them within as narrow limits as possible, and even a system of hoarding might, in such a case, perhaps, do less harm than all this vexatious irregularity and uncertainty. But in the first place, whose fault was that? Whose legislation occasioned that preposterous accumulation? Whose unequal and oppressive tariffs extorted from commerce the vast sums which were afterwards to be lavished upon it with such intoxicating effects? *Yours*, sir,—this House, this Congress is responsible for whatever mischiefs grew out of that strange anomaly. Let the blame light upon the heads

* Jacobs. † Ad. Smith. ‡ Herder.

of the guilty. I trust in God we are not destined soon to see another such surplus—and if we should, most certainly I should expect proper precautions to be adopted to prevent its operating again so powerfully to derange the business of the country. But what sort of argument is it against the comparatively moderate deposites made in the ordinary course of things by the government, to recompense the banks for their services as fiscal agents, and make taxation less oppressive, that an enormous accumulation like that referred to, so capriciously disposed of, so violently transferred from one place to another, produced much evil? And here, sir, I beg to ask gentlemen, whether it has ever occurred to them to imagine what would have been the effect—what would always be the effect of such an accumulation, *if it had been in gold and silver ?** What if our revenues should ever again amount to what they were in 1815? Will any man undertake to say that the abstraction from the circulation of the commercial world of so large a sum as forty or fifty millions of specie would not, at any time, occasion a serious derangement of business and fall of prices at home and abroad, attended with all the usual evils of such an event? I shall advert, hereafter, more particularly to the important subject of the supply of the precious metals for the purposes of commerce; but I here call the attention of the committee to a view of it that is entitled to their profound consideration. If I do not greatly err in all the conclusions to which I have been brought by my researches in this matter, no calculation can be made of the effect which the adoption—I will not say of the "hard money system," but of any system whatever, calling for a much greater demand of the precious metals—might have upon the state of trade.

Sir, I have said that the importance of these fluctuations in the paper currency of a country have been much overrated. Some people seem to think an expansion in the circulating medium must always be attended with a sudden rise in prices and a spirit of extravagant speculation. But it is not so. Mr. Tooke has shown that these two things have in fact very seldom coincided—that speculation depends, in the first instance, upon moral causes wholly unconnected with the state of the currency; and, although an abundance of money may, and does aggravate the evil where its exists, yet, by itself, it never leads to any excitement. Take any example of a commercial crisis you please, and you will find that there were extraordinary circumstances which acted on the imaginations of men—florid pictures of general prosperity, bright visions of possible success in new channels of trade, and adventures as yet untried. There is a remarkable proof of this in the terrible convulsion in England in 1825, the most serious perhaps, that she had ever passed through.

[* See a case in point Tacit. Annal. vi. 17.]

In 1822, there was a most depressed state of prices below the cost of production. The lowering of the interest on an immense amount of government stock, in 1823 and '24, engendered an impatient desire of more profitable investments. Then came the acknowledgment of the independence of the South American States, with hopes of advantageous loans to the new governments, of great mining speculations, and of a vast extension of all branches of trade, upon which that great political event, it was supposed, could not fail to produce sudden and incalculable effects. The spirit of adventure, thus awakened, soon spread itself abroad over every department of commerce, and a moral epidemic, as it has been well termed, broke out, such as no policy of government, of free government at least, could possibly control. But the same excitement would have occurred, had the circulation of England been metallic; and, sir, a proof of it is to be found in the fact, that, owing to long series of good harvests, and to the preparations which the Bank of England had been making to substitute gold for the small notes which still circulated in 1824, her treasure was unusually large, (something like £14 millions, instead of £10, its regular maximum,) and, so far as her issues had any thing to do with exciting the spirit of circulation, it was not a deficiency, but an excess of bullion that occasioned the mischief—just as the case in this country during the last two years. I say, sir, this spirit of speculation is incident to the adventurous operations of commerce, and it makes no difference whether those operations be carried on in specie or in paper. The gentleman from Pennsylvania, who sits near me, (MR. SERGEANT,) anticipated me in citing the example of the famous bubble year in England, (1721,) when, as he justly remarked, the circulation of that country might be considered as almost exclusively metallic, for the issues of the bank were what they had been for some years before, only about £2 millions, and not more than half what they were a few years after, in a state of perfect calm. But I will add another instance, a most memorable and instructive one, from our own history. If this country has ever been blessed with a purely metallic currency, it was shortly after the peace of '83, and from that epoch until the establishment of the first Bank of the United States; and, sir, if a man were called to point out that era in its history in which its pecuniary condition was most deplorable, he would, without hesitation, name that. There was a want of money even to transact the ordinary business of life; a good portion of the little trade left us was carried on by barter;* industry was languishing for want of the means of exchanging its products; nobody had any credit; all was embarrassment, despondency, and gloom. In the midst of all this distress there was a cry, not for hard money,

* Washington's Writings, vol. ix. Hamilton's Report on the Bank in '90.

as in the present crisis—they had enough of that, in one sense, at least—but for the good, old fashioned paper-money issued by the States*—and the discontents of some of the boldest and most active spirits of New-England broke out into open revolt against society, and seriously threatened its overthrow. Sir, never since we have been a people, have we passed through a period so full of perils of all sorts! Never was the morality of the nation put to so severe a trial; or its peace and its institutions, and its destinies brought so near to the very edge of the precipice. And what was the immediate cause of all this intense pecuniary distress? Speculation, sir, far wider, in proportion, than any that has since occurred. We had imported, in the two first years after the peace, a large amount, $30,000,000, against exports of some eight or nine millions. Look into Pitkin's Statistics. And yet, with a fact from our own history, so important, so authentic, so full of instruction on all the points involved in this discussion, you hear able and leading men speak of the spirit of speculation, as something inseparably connected with paper money alone. No, sir, it results from what is called the "course of trade," in its perpetual round of quiescence—improvement—increasing confidence—prosperity—excitement—over-trading—convulsion—stagnation—pressure—distress—ending in quiescence again.† Nor is it by bank issues, even where banks most abound, that it is supplied with the means of compassing its object. In 1825, it is said that mercantile paper, to the amount of near $600,000,000, was negotiated in London. Mr. Rothschild mentions that his house received in the course of two months, bills to the amount of a million and a half,‡ while the circulation of the Bank of England, and the country banks together, did not exceed thirty millions. It is *commercial credit* and private loans, that at such periods encourage and sustain those great and perilous operations—not banks, not bank notes, not redundant currency, strictly so called.

But if banks do not occasion such excitements, they, on the other hand, greatly mitigate the effects of the revulsion that follows. We had no banks in this country in '86, to help the people in their distress, as the Bank of England aided and saved the commercial community of England in 1825.

But let us look a little more closely into the causes of the late excitement in the moneyed and commercial interests of this country. In my opinion, they have been too partially considered, and we have added to our other misfortunes mutual reproaches, which are certainly, (I speak of it with the profoundest deference for the very able persons with whom I differ,) not all of them well founded. The merchants, as a body, have been

[* In South-Carolina the Paper Medium Loan Office.]
† Mr. S. Jones Lloyd. ‡ "Minutes of Evidence," &c., in 1832.

censured for imprudent and profligate speculation. They, in turn, accuse the government, of a wanton and even wicked tampering with the great interests of commerce, which governments seldom touch without doing some mischief. Sir, I do not think this a fit occasion for angry recrimination, and having been absent during the conflict, to which I allude, I desire to mingle as little as possible in the passions of the past. I must say, however, that I incline to believe more importance has been attached to the *Specie Circular* in a mere *economical* point of view—I say nothing of its *political* character—than it deserves. I do not mean to affirm that it had not its share in adding to the embarrassments of the money market *after* the revulsion had begun. But the tide had turned before. That paper was issued here on the 11th July, 1836. Now, as early as the 1st of July, the Bank of England had felt itself constrained to adopt a course which led to an instant fall of prices, and this fall of prices was in a short time as much as 20 or 30 per cent. Mr. Horsley Palmer, in the pamphlet already alluded to, admits the fact, and justifies the proceeding. *Habes confitentem reum.** Now, sir, be pleased to consider what frightful havoc a loss of 20 or 30 per cent., on 1,500,000 bales of cotton alone, would occasion in the commercial world, especially when such a terrible *deficit* happens to be accompanied by a contraction of bank issues and great scarcity in the money market, *at a period of prodigious excitement in every branch of trade*, (for it is *then* only that contractions are dangerous,) and of speculative investments in every sort of enterprise. The Bank of England, through its deputy governor, alleges, in justification of its course, that its treasure, which was just beginning to recover from the drain occasioned by speculations in Spanish and Portuguese funds during the year 1834—another phrenzy of the times, that led to a catastrophe which I witnessed in the spring of 1835, and in *hard money* countries too—was again reduced by drafts made upon it for various purposes in America to the amount of £2,600,000. Of this amount, £1,200,000 was borrowed for the Bank of the United States, and the rest came over to be laid out, no doubt, in canal and railway or bank stock; or, to supply, as Mr. Palmer supposes, the vacuum in our circulation occasioned by the prohibition in some of the States of small notes, or the new demand for gold consequent upon the change introduced by the gold bill in the session of '35. Sir, as the guardian of the currency of England, the bank was, no doubt, on strict

* The Causes and Consequences of the Pressure upon the Money Market, with a statement of the action of the Bank of England from the 1st of October, 1833, to the 27th of December, 1836, by J. Horsley Palmer, Esq. London, 1837.

"The fall in prices of almost all the leading articles of raw produce, (sugar, coffee, tea, silk, *cotton*, &c.) from the 1st of July last, when the rate of interest was first advanced, has not been less than from 20 to 30 per cent." p. 23.

principle, justified in pursuing that cautious policy, in imposing a salutary check upon speculation; but I have very great doubts whether it did not begin too late and go too far; and whether its sudden and rather violent interference with the natural course of things, has not been attended, in England as well as in this country, with evil consequences that might have been avoided, or at least very much mitigated, had exchanges been left to correct themselves, as they have a natural tendency to do. It is a circumstance worthy of the particular attention of the committee—and I advert to it to show that nothing can be more unjust than the charge of profligate speculation made against the great body of our merchants, (however, individuals may deserve censure,)—that, from 1831 until late in the autumn of 1836, exchange with Europe never fell below, and was often much above *par*, although the apparent balance of trade was during that period steadily and greatly against us. Sir, this singular phenomenon is now satisfactorily explained. We know that it was owing to immense investments of British capital (much of it, no doubt, sent over in the shape of goods,) in the United States, quite independent of the ordinary commercial balance. For example, a run was made upon the Bank of England in May, 1832, during the agitation that accompanied the passing of the Reform Bill, to the amount of £2,000,000; which never returned to the bank and was supposed to have been hoarded, but which I believe came hither. This circumstance was at the time, attributed to a political trick to prejudice the minds of the people against the great measure then before Parliament. I have reason, however, to know, that the panic was by no means feigned—that apprehensions of revolution were seriously entertained by many of the higher classes in England—and, as the payment of our national debt and our immense prosperity, had called the attention of European capitalists to this country, large amounts were sent hither, not only in quest of higher interest, but as a safer investment than could be made at home—for in the present state of the world, capital will go abroad in spite of all the contrivances of government, recommended, I regret to say, by Mr. Palmer, to prevent its seeking more profitable employment there. We know all this *now*, and we see what this vast influx of British gold and British credit had to do with prices and speculation here—but who saw it then? How was the merchant to know what was at hand? that the ground upon which he was standing covered an abyss that was so soon to open and swallow him up—that the scene of most flattering prosperity, which had for five years excited and entranced his senses, was to vanish like a dream at the touch of a foreign power?

A great many circumstances conspired to keep up the delusion, and even some which one might have thought would produce

the very opposite effect. Thus the removal of the deposites, and the panic and contraction in 1834, consequent upon that measure, led to further importations of the precious metals, and accordingly it appears that there was an accession of nearly 12 millions of specie in that single year. A metallic basis was thus formed for the inordinate number of banks, chartered by the State Legislatures, to supply the place of the United States Bank; and still great aliment was added to the spirit of speculation, already excited by the high prices of produce in England, and the unprecedented demands for the public lands in the West by emigration from abroad. The idea that an excessive circulation was the sole cause of all the mischief, an idea encouraged both by the friends of a national bank, and by the enemies of all banks, appears to me entirely fallacious. It is vain to state, as is so continually done in such discussions, the amount of currency at one period, and to compare it with that amount at another, without *any reference to the amount or the prices of the commodities it has to circulate.* No sound inference can be drawn from the naked fact of such a difference. For instance, had the price of produce not fallen in the English market; had the cotton crop been worth $80 or 90,000,000, instead of being fallen to half the former sum, it is manifest that it would have required, *ceteris paribus*, twice the amount of circulation to effect the usual exchanges in it. Not only so, but, in periods of great excitement, it is not merely the products of our industry that we sell, it is not simply the annual income of the land and labor of the country that is exchanged, but the very soil itself, the whole country with all that it contains, is in the market. This, to the extent to which it is carried, is a peculiarity of our people. Sir, I do not mention this as a very prepossessing or honorable *trait* in our character—I mention it simply as a *fact.* We have no local attachments, generally speaking—nothing bears the *pretium affectionis* in our eyes. If an estate, a residence in town, a country seat, rises a little beyond what we are accustomed to think its value, it is sold without any hesitation. Accordingly, there is in such times a capacity for absorbing an expanded currency in this country, greater perhaps, in proportion than was ever known in any other country. I am of opinion, therefore, that prices in the United States were, in general, not relatively much higher than elsewhere during the last two years, except in cases where, on the usual relation of demand and supply, it was easy to account for their being so. By far the greatest amount of speculation, too, no doubt was carried on in private paper. But of course, as soon as a fall took place in that great leading staple commodity in which we pay our foreign debts, and of which the value affects that of almost every thing else in the country, and that, too, to so fearful an amount as $30 or 40,000,-

000, the currency became (before the late contraction) at once redundant. It was precisely as if property to the value of 3 or 400,000,000 had been swallowed up in the sea, for it destroyed the income of property to that amount.

From this view of the causes that led to the present distress, I do not see what inference can be drawn from it, unfavorable to the connection that has always subsisted between the government and the banks. It is one of those extraordinary revulsions to which the adventurous spirit of commerce will always be exposed, organize your currency as you will, and take what pains you please to diminish the sources of excitement. In this country, especially, holding out so many temptations to foreign capital, so many hopes to enterprize, such dazzling prizes to fortunate speculation, with a people distinguished above all others by their intelligence, sagacity, activity, and boldness in affairs, such periods of crisis and convulsion are inevitable, and no mischiefs which they can possibly do would be half so bad as the only preventive that would insure us against their occurrence, the entire extinction of the spirit that leads to them.

Sir, to the general declamation against banking we have to oppose the experience of the most prosperous nations in the world. There is a country, for instance, whose whole currency is of paper, and where one seldom meets with a piece of gold—whose banking companies, whether with or without charter, subjected to no restraints or control, but such as spring out of the vigilance of a free and eager competition, have, for upwards of a century together, conducted their affairs with so much skill, integrity, and prudence, as not only never to have occasioned any loss either to the public or the parties interested, but, on the contrary, by the confession of all competent judges, to have conferred the greatest blessings upon both—to have contributed more than any single cause, perhaps, than all other causes put together, to bring out and develope completely all the resources of the land, to foster industry, to animate enterprize, and, by an abundant supply of the means of exchange, to turn its capital and labor to the greatest possible account—where, in addition to these economical advantages, they have contrived to exercise a high moral control, a sort of censorial authority, over the community, and especially the humbler classes of it, by bestowing rewards in the shape of credit upon industry and economy, and lending upon good personal character as if it were solid capital, and, through a system of cash accounts and interest upon small deposites, have given to the deserving laborer the combined advantages of a Savings Bank and a friendly endorser—a country, which has made greater progress, within the period mentioned, than any other in Europe, with an agriculture second (if second) only to that of Flanders, with a flourishing commerce, with

manufactures of the greatest extent and the most exquisite refinement—whose cities have almost kept pace with ours, whose whole face in its gladness and beauty bears testimony to the spirit of improvement that has animated her—what country is that? Scotland, sir. Every body has heard, or ought to have heard, of the Scotch system of banking, and I ask if any thing can be more irreconcilable with the theories so confidently advanced here, than the facts connected with its history? I know, sir, what may be said in reply to this otherwise triumphant example. I am aware that the Scotch banks have, in times of pressure, been compelled to lean upon the Bank of England—that objections have been made, by high authorities, to the principles on which they have been conducted, and that other persons, admitting their unquestionable usefulness and success, have ascribed it to circumstances which render the system an unfit model for imitation elsewhere. Be it so. But still it is banking—banking on the English plan, with a very inadequate supply, scarcely any supply, of bullion; banking without limitation or control, without any reference or responsibility to government—banking, in a word, with all the defects imputed to that system, in their most exaggerated forms.

But, if this example be not satisfactory, let us look at the experience of the two other countries in which the system exists, as we are told, in its most vicious state—England and the United States. Look at the result. I have no faith at all in speculative politics. A theorist in government is as dangerous as a theorist in medicine, or in agriculture, and for precisely the same reason—the subjects are too complicated and too obscure for simple and decisive experiments. I go for undisputed results in the long run. Now surely a philosophic inquirer into the history of the commerce and public economy of nations, if he saw a people pre-eminently distinguished in those particulars above all others, would be inclined to ascribe their superiority to what was *peculiar* in their institutions; at least, whatever might be his ideas a *priori* on such subjects, he would be very slow to deny to any remarkable peculiarity in those institutions its full importance as one of the probable causes of the success which he witnessed, unless he could clearly show the contrary. Then, sir, by what example are we to be guided in such matters if not by that of England—by far the most magnificent manifestation, that the world, in any age of it, has ever beheld, of the might and the grandeur of civilized life. Sir, I have weighed every syllable that I utter—I express a deliberate conviction, founded upon a patient inquiry and a comparison as complete, as my limited knowledge has enabled me to make it, between the past and present condition of mankind, and between the great nation of which I am speaking and those which surround her. Sir,

there is a gulph between them—that narrow channel separates worlds—it is an ocean more than three thousand miles wide. I appeal to any one who has been abroad, whether going from England to any part of the continent—be not descending immensely in the scale of civilization. I know, sir, that that word is an ambiguous one. I know that, in some of the graces of polished society, in some of the arts of an elegant imagination, that, in the exact sciences and in mere learning and general intellectual cultivation, some nations have excelled, perhaps, many equalled, England. But, in that civilization, which, as I have said before, it is the great end of modern political economy to promote, and which is immediately connected with the subject before you—which at once springs out of, and leads to, the accumulation of capital and the distribution of wealth and comfort through all classes of a community, with an immense aggregate of national power and resources—that civilization which enables man to "wield these elements, and arm him with the force of all their legions," which gives him dominion over all other creatures, and makes him emphatically the Lord of the Universe—that civilization which consists not in music, not in playing on the flute, as the Athenian hero said, but in turning a small city into a great one; in that victorious, triumphant, irresistible civilization, there is nothing recorded in the annals of mankind that does not sink into the shades of the deepest eclipse by the side of England. I say nothing of her recent achievements on the land and the sea; of her fleets, her armies, her subsidised allies. Look at the Thames crowded with shipping; visit her arsenals, her docks, her canals, her railways, her factories, her mines, her warehouses, her roads, and bridges; go through the streets of that wonderful metropolis, the bank, the emporium, and the exchange of the whole world; converse with those merchants who conduct and control, as far as it is possible to control, the commerce of all nations, with those manufacturers who fill every market with their unrivalled products; go into that bank which is the repository of the precious metals for all Europe; consider its notes as well as the bills of private bankers, at a premium every where, more valuable than specie, symbols not merely of gold, but of what is far more precious than gold, yea, than fine gold, of perfect good faith, of unblemished integrity, of sagacious enterprise, of steadfast, persevering industry, of boundless wealth, of business co-extensive with the earth, and of all these things possessed, exercised, enjoyed, protected under a system of liberty chastened by the law which maintains it, and of law softened and mitigated by the spirit of liberty which it breathes throughout. Sir, I know, as well as any one, what compensations there are for all this opulence and power, for it is the condition of our being that we "buy our blessings at a price." I know that

there are disturbing causes which have hitherto marred, in some degree, the effect of this high and mighty civilization; but the hand of reform has been already applied to them, and every thing promises the most auspicious results. I have it on the most unquestionable authority, because, from an unwilling witness, that within the memory of man, never were the laboring classes of England so universally employed, and so comfortably situated as at the beginning of the present year.*

But I said that there was another nation that had some experience in banking and its effects. Sir, I dare not trust myself to speak of my country with the rapture which I habitually feel when I contemplate her marvellous history. But this I will say, that on my return to it, after an absence of only four years, I was filled with wonder at all I saw and all I heard. What upon earth is to be compared with it? I found New-York grown up to almost double its former size, with the air of a great capital, instead of a mere flourishing commercial town, as I had known it. I listened to accounts of voyages of a thousand miles in magnificent steamboats on the waters of those great lakes, which, but the other day, I left sleeping in the primeval silence of nature, in the recesses of a vast wilderness; and I felt that there is a grandeur and a majesty in this irresistible onward march of a race, created, as I believe, and elected to possess and people a continent, which belong to few other objects, either of the moral or material world. We may become so much accustomed to such things that they shall make as little impression upon our minds as the glories of the Heavens above us; but, looking on them, lately, as with the eye of the stranger, I felt, what a recent English traveller is said to have remarked, that, far from being without poetry, as some have vainly alleged, our whole country is one great poem. Sir, it is so; and if there be a man that can think of what is doing, in all parts of this most blessed of all lands, to embellish and advance it, who can contemplate that living mass of intelligence, activity and improvement as it rolls on, in its sure and steady progress, to the uttermost extremities of the west; who can see scenes of savage desolation transformed, almost with the suddenness of enchantment, into those of fruitfulness and beauty; crowned with flourishing cities, filled with the noblest of all populations; if there be a man, I say, that can witness all this passing under his very eyes, without feeling his heart beat high, and his imagination warmed and transported by it, be sure, sir, that the raptures of song exist not for him; he would listen in vain to Tasso or Camoens, telling a tale of the wars of knights

* Westminster Review for January, 1837. Some ascribe the fact to an ample *circulation*.

and crusaders, or of the discovery and conquest of another hemisphere.

Sir, thinking as I do of these things—not doubting, for a moment, the infinite superiority of our race in every thing that relates to a refined and well ordered public economy, and in all the means and instruments of a high social improvement, it strikes me as of all paradoxes the most singular, to hear foreign examples seriously proposed for our imitation in the very matters wherein that superiority has ever appeared to me to be most unquestionable. The reflection has occurred to me a thousand times in travelling over the continent of Europe, as I passed through filthy ill-paved villages, through towns in which there is no appearance of an improvement having been made since the Reformation, as I have looked at the wretched hovel of the poor peasant or artizan, or seen him at his labors with his clumsy implements and coarse gear—what a change would take place in the whole aspect of the country, if it were to fall in the hands of Americans for a single generation!

But is it paper money and the credit system alone that have achieved all these wonders? I do not say so, sir; but can you say, can any one presume to say, that they have not done much of all this? I know that the cardinal spring and source of our success is freedom—freedom, with the peculiar character that belongs to it in our race—freedom of thought, freedom of speech, freedom of action, freedom of commerce, freedom not merely from the oppressions, but from those undue restraints and that impertinent interference of government in the interests properly belonging to individuals, which stand in the way of all improvement in the nations of continental Europe. It is this vital principle, the animating element of social equality, tempered and sobered by a profound respect for the authority of the laws, and for the rights of others, and acting upon that other prominent characteristic of the Anglo-Norman race, the strong instinct of *property*, with the personal independence and personal *comfort* that belong to it—that explains our unrivalled and astonishing progress. But of this rational, diffusive liberty, among a people so intelligent as ours, the credit system is the natural fruit, the inseparable companion, the necessary means and instrument. It is part and parcel of our existence. Whoever heard of CREDIT in a despotism, or an anarchy? It implies *confidence*—confidence in yourself, confidence in your neighbor, confidence in your government, confidence in the administration of the laws, confidence in the sagacity, the integrity, the discretion of those with whom you have to deal; confidence, in a word, in your destiny, and your fortune, in the destinies and the fortune of the country to which you belong;

as, for instance, in the case of a great national debt. It is the fruit, I say, of all that is most precious in civilized life, and to quarrel with it is to be ungrateful to God for some of the greatest blessings he has vouchsafed to man. Compare Asia with Europe; hoarding has been the usage of the former from time immemorial, because it is slavish, oppressed and barbarous; and it is curious to see the effect of English laws in breaking up (as they are doing) that system in Hindoostan. Depend upon it, sir, all such ideas are utterly alien to our way of thinking—to all the habitudes of our people, and all the interests of the country. My friends from beyond the mountains are familiar with the great principle, the magical effect of credit in a young and progressive country. They know that miracles are wrought by a small advance of money to enable enterprise and industry to bring into cultivation a virgin soil. They know how soon the treasures of its unworn fertility enable them to pay off a loan of that sort with usurious interest, and make them proprietors of estates rising in value with the lapse of every moment. Compare the great Western country now, with what it was twenty years ago—sell it *sub hasta*—and compute, if the powers of arithmetic will enable you to do so, the augmentation of its riches. Sir, this is one of the phenomena of our situation to which attention has hardly ever been called—the manner in which the mere increase of population acts upon the value of property. To be struck with the prodigious results produced in this simple way, you have only to compare the estimated taxable property in Pennsylvania and New-York, when it was returned for direct taxation in '99, with the returns of the same property, for the same purpose, in 1813, after an interval of fourteen years*—you will see how it is that our people have been enriched by debt, and "by owing, owe not"—how with a balance of payments almost continually against them from the first settlement of the country, they have grown in riches beyond all precedent or parallel. You will appreciate all the blessings of the credit system—and imagine, perhaps, how this wonderful progress would have been impeded and embarrassed by the difficulties of a metallic circulation.†

But the *fluctuations* of the currency—the ruinous irregularities of bank paper! Why, sir, I have already shown they belong to commerce itself, not to the means which it employs, and that there is no remedy for them. But, after all, what is the sum of the evil? Look again at general results. Tell me not that reactions produce fewer disasters, or less extensive derangements of business and circulation in countries whose money is principally metallic.—It may be so; but what does that prove? If you

* Pitken's Statistics, 1835. † Mr. Gallatin's Pamphlet, p. 68.

never soar, you will be in no danger of falling, certainly—but then,

Serpit humi tutus nimium timidus que procellæ.

A go-cart may be a very safe contrivance for the tottering footsteps of infancy—but is it thus that manly vigor is to be trained for the dust and heat of the Olympic race? Sir, it is the condition of all that is grand and awakening in nature to be somewhat wild and irregular. In the moral world, especially, peril and difficulty are the price which Providence exacts of us for all great excellence, and all eminent success. It is in struggling with them that the heroic virtues, which elevate and purify humanity, are called forth and disciplined; and it is precisely because our people have been trained in that stern school, that they have effected more, and are now able to effect more, with equal means, than any other in the world. Sir, it is not our currency only that is obnoxious to the imputation of irregularity. What is democracy, popular government itself? How often has it fallen to my lot to defend it by the very considerations which I now urge on a kindred topic, when foreigners have spoken to me of the disorders that have occasionally checquered our history. When they exaggerated the importance of such events, I have reminded them that all human institutions must have their imperfections; and that it is by their general effects in a long course of experience, not by occasional accidents, however striking and important, that they are to be judged. That the absence of restraint, which leads to occasional licentiousness, fosters that bold, robust, energetic, and adventurous spirit, and that habit of haughty self-reliance, and independent judgment, which are the very soul of republican government; which have rendered that form of government, wherever it has existed, so illustrious for heroic achievements, and has made every era of liberty in the history of mankind, even in its most imperfect form, an era of flourishing prosperity and progress. Sir, such a people, as has been said of beings of a higher order, "live throughout, vital in every part."

All head they live, all heart, all eye, all ear,
All intellect, all sense.*

This is the great secret of our superiority, and that of every free people—not the forms of a constitution, not the outlines of a system, not mere organization—but the principle of *life*, the all-pervading animation and vitality that informs the whole body politic, and gives it the warmth, and strength, and activity—the

[* Monstrum horrendum, ingens, cui quot sunt corpore plumæ,
Tot vigiles oculi subter, mirabile dictu;
Tot linguæ, totidem ora sonant, tot subrigit aures.
Virgil's Æneid, lib. iv., l. 181, 2, 3.]

winning graces and expressive countenance of a man, instead of the cold and repulsive stillness of a painted corpse. Jury-trial is another of these irregularities—liable, undoubtedly, to much criticism in detail, scarcely susceptible, as a judicial institution, of a strict defence in theory—yet what should we think of a reformer that should propose to us the abolition of a system so full of practical good, because it was unknown until recently, any where but in England, and often leads, as it certainly has often led, to great abuse and injustice.

But, then, it seems, our banking system is an innovation, introduced only a century and a half ago, and deviates from the primitive model of the Bank of Amsterdam,—the *honest* system, as it is called—and that instead of lending money, it lends merely credit.

As to the idea of its being an innovation, I would just remark, that it had its origin at that great epoch of human improvement, as I must still be allowed to call it, when mankind ceased to cut each other's throats for differences in religion, and began to make war for colonies and commerce—an era perfectly familiar, as such, to every one that has studied history philosophically. But there is something more in the historical reminiscence than the mere fact just referred to. If the comparative effects of Dutch and English banking are to be judged by the event, what an instructive lesson is to be drawn from a parallel between those two powers, at the close of the seventeenth century, and their relation towards each other now! Where is Van Tromp? Where is De Ruyter? What is become of the mighty fleets which disputed the dominion of the seas with England and France? Poor Holland! her defenceless ports, blockaded by British squadrons—her court brow-beaten by British diplomacy—shorn of all her strength and glory, she seems almost sinking again into the waters out of which she merged. So much for the innovation. But what is the objection to the system? Let us understand each other. I will put a case. The quantity of the precious metals required in any transaction, or any number of transactions, between two countries, (or two individuals, for it comes to the same thing,) depends not only upon the balance of payments between them, but also on the *confidence* they have in each other. Thus, Hamburg imports corn for England in a season of dearth, from Prussia. If trade be prosperous and the world at peace, she will probably pay for this corn by a bill at six months, with interest, and when the time comes for meeting her engagement, she will do so by sending to Dantzic a cargo of colonial produce.* But should the times be such (from war, commotions, &c.,) as to make commerce uncertain, or to impair credit, the purchase can be made only for cash, and paid for in gold and silver. Now,

* Thornton.

sir, commerce being a mere exchange of commodities, every body must see, at a glance, that it is very much more promoted by a state of peace and order, than by one of war and commotion, by a state of confidence, than by one of distrust, by a state of things that admits of payments in bills, than by one that requires payments in cash. In a simple operation, like the one described, this is quite manifest, and yet the whole theory of money and of banking, is contained in that simple operation.

Sir, it explains at once why it is that, in countries very far advanced in commerce and civilization, the precious metals, for all purposes of currency, are superseded by commercial paper, as is particularly the case in England, whose paper circulation of all sorts is something like two hundred millions, resting upon a basis of only thirty millions of specie.* Money is nothing more than what is called by the brokers "a bought and sold note"—it is a token which shows that its holder has parted with commodities to that amount, and that he is entitled to receive their equivalent in other commodities whenever it shall be his pleasure to do so. Why should that token be of gold? Why should a mere title or evidence of debt be itself of a material as costly as the thing of which it is the symbol and the evidence?

It is clear that were there any means of insuring society against excessive issues of paper, besides its convertibility into gold and silver—were not that the only practical test hitherto discovered by which prices in different countries can be compared—all commercial nations would dispense with the precious metals as a medium of exchange. But as yet there is no such means, and the currency, theoretically the most perfect, is for the present impracticable. The nearest approximation to it has certainly been made occasionally in the United States, where the specie basis has just answered the purpose of ascertaining that our currency was on a level with that of other nations.

But there is another step in the commercial operation just mentioned. The holder of the bill of exchange, received in payment of corn, stands in need of some other commodity, which his own credit does not enable him to procure. He applies to a banker or any other capitalist for the cash, or what will answer his purpose just as well, *his* credit in the shape of a note payable on demand, or at a short date, for which the original bill at six months is given in exchange, with a reasonable discount. This last operation is what is considered as the great abomination of banking. The bank receives a discount on giving its own bill payable on demand, or one at a short date, (for which therefore it is compelled to reserve or prepare a fund,) for a bill payable at six months, of which of course payment cannot be de-

*Mr. Burgess in the Minutes of Evidence, &c., before the Committee of the House of Commons in 1832.

manded until the expiration of that term. And, now I ask, where is the difference between the first operation, which every body must perceive is eminently conducive to the extension of commerce and the last? What objection can be made to it that does not lie equally against the drawing and discounting of bills of exchange—an improvement of which Europe has been boasting for at least six hundred years, and of which the advantages have never to my knowledge been questioned before? Why is not a credit founded on *property* as good in the one case as in the other? and why should gold and silver be used in either when they are not wanted?

The banking system, sir, is only one form of that division of labor which takes place in all opulent countries. It leads to a great economy both of time and money—of the former, because the business of a whole community in receiving and paying away can be transacted by the clerks of a single institution, as well as by one hundred or one thousand times the number, in the separate employment of individual merchants—of the latter, because instead of each individual in a community reserving the quantity of gold and silver necessary to meet current demands, a much smaller proportional amount kept by a banking house has been found to answer the wants of the whole society. But the utility of that system is not confined to the advantages just mentioned. It appears to me very clear in the first place, that the credit system carried to the extent in which it exists in England and the United States, could not possibly be made to rest upon any thing so liable to be disturbed by a foreign demand, and by other contingencies, as the metallic basis, and of which a given quantity cannot therefore be counted on at any given time. What is commonly called the currency of a country, that is to say, bank paper and the precious metals, really constitutes a very small portion of it, but it may be considered as the *test* or *touchstone* of all the rest, and, if engagements in bills of exchange &c., be not met according to their tenor in what is considered as cash, it is difficult to calculate the effects of the alarm that may ensue. But there is another point of view in which banks appear to me quite essential to our commercial system. It is that, according to the remark of an excellent writer,* the appreciation of the credit of a number of persons engaged in commerce has, by means of them, become a *science*, and to the height to which that science is now carried in Great Britain, (and in this country,) that country is in no small degree indebted for the flourishing state of its internal commerce, for the general reputation of its merchants abroad, and for the preference which in this respect they enjoy over the traders of all other nations.

Sir, I have been driven to this elementary way of considering

* Thornton.

the subject by the course which the argument has taken here and elsewhere, and because, in solemnly reviewing, as we are now compelled to do, the whole monetary system of the country, it is of the very last importance that the subject, in all its aspects, should be fairly presented to the people. I shall therefore proceed briefly to consider the question, how far it is practicable or desirable to substitute a metallic currency for bank paper or even very materially to widen the metallic basis of our present circulation.

I presume it will hardly be disputed that, by a general return to the precious metals as the only medium of exchange for the whole commercial world, the operations of trade would be every where embarrassed and impeded, and the value of money enhanced, or, which is the same thing, the prices of commodities reduced in an incalculable degree. How far a similar effect has already been produced by the diminution of the supply from the Mexican and South American mines, within the last twenty years, is one of the most difficult and controverted questions of the day. This is not a fit occasion for stating the arguments advanced by the advocates of different views on that subject, but I will mention to the committee that, in a very able work to which I have already referred as having been recently sent to me, the author, who examines this point with perfect candor, advances the opinion that thousands have, within the period alluded to, been precipitated into embarrassments from that cause alone.* If it be true, as is alleged by Jacobs, that the whole stock of coin in circulation, in 1829, was less by upwards of £60,000,000 than that which circulated in 1809—and, if any thing like the supposed diminution of the actual quantity by abrasion, by loss, by consumption in manufactures takes place, (1 per cent.† a year,) it becomes matter of serious speculation, what means shall be adopted to obviate so great an inconvenience as a continually decreasing metallic basis, at a period when commerce and its productive powers are so immensely on the increase. Sir, that question is infinitely more interesting in a highly *progressive* country than in any other. In such a country, the currency must be regularly enlarged with the growth of its population and of its productive power, or it is subjected to the most terrible of all evils, *falling prices*. Every body that has ever treated of such subjects has dwelt upon the effects of an increasing currency, as wonderfully favorable to industry. No more striking example of this truth can be desired than what was witnessed in the sixteenth century, after the importation of gold and silver from America began to produce a decided effect upon the distribution of wealth. It is admitted on all hands to have been the period of the greatest improvement in society that has occurred in its

* Money and its Vicissitudes in Value. † Ibid.

history; and of all countries, be it remembered, England benefitted most by the general rise of prices, because so large a portion of her farmers held leases for long terms of years, and paid money rents: the increase of the circulation operating to reduce the real value of the returns, made to the landlord, in favor of his tenant. The great benefit of a full and especially an increasing circulation thus consists not only in quickening and facilitating exchanges, (itself an immense stimulus to industry,) but in securing to the industrious classes rather a larger *proportion* of the income of society than they would otherwise enjoy. Every thing which they buy to sell again advances in price while it is in their hands, and this unquestionable truth is of itself a total refutation of all that is said concerning the oppressive operation of bank paper upon the productive classes, by the very persons who, in the same breath, speak of its excess and depreciation.

With a population then, increasing at the rate of 4 to 5 per cent. a year, and with an accumulation of capital and productive power proportionally greater, I hold it to be utterly absurd to talk of any thing like a metallic currency in the United States. There is no possible means of procuring, and if by any means it could be procured, I venture to affirm that our people would get rid of it in the course of a few years, though all the penal laws of Spain against the exportation of gold and silver should be re-enacted here—laws which were passed with no other effect, even in that country, but to show the utter futility of such legislation. I say, sir, that with their present habits of active enterprise and strict economy, the American people would export the precious metals as fast as they were imported, beyond any amount of them which might be absolutely necessary for the domestic exchanges of the country, and they would do so because gold and silver would be of use abroad in purchasing commodities, and would be wholly superfluous at home, where paper would do as well. If you put down "the banks," it would have no effect but to set up something worse in their place, in the shape of private paper. There are some things over which the most despotic lawgivers are unable to exercise any control, and one of them, as all experience shows, is this commerce in bullion.

Sir, it has been said that the only advantage of a paper currency over the precious metals consists in its cheapness. I am, by no means, as you may gather from what I have said, ready to admit this, but supposing it to be true, is that saving really an unimportant matter? Mr. Gallatin, in a pamphlet of signal ability,* has, as I conceive, fallen into a grave error on this subject, which it is so much the more important to rectify, as I perceive,

* Considerations on the Currency and Banking of the United States. Philadelphia, 1831.

that he has misled others more disposed than himself to turn a speculative error into a practical mischief. He states the whole benefit derived from the use of paper instead of the precious metals in the United States in 1830, including, under the name of circulation, private deposites in the banks, as they ought undoubtedly to be, at about five millions of dollars a year. It is true that, according to principles admitted by Mr. Gallatin, the progress of the country, both in wealth and population, in the last *seven* years, would require a very considerable addition to be made to this estimate in order to a correct application of it to our actual condition. But, sir, it appears to me that the estimate was made on data altogether erroneous. In the first place, the quantity of currency, if it were metallic, necessary to the circulation of this country, was prodigiously underrated. For reasons that need not be stated here, it is found that a given amount of metallic currency does not circulate as rapidly as an equal amount of paper, and therefore, that more of it is, *ceteris paribus*, required to do the same business. But, without going into such minute inquiry here, why should the United States, with sixteen millions of inhabitants, and relatively the most active trade both foreign and domestic in the world, and with extraordinary productive power of all sorts, not need, at the *very least*, half the circulation necessary in France, with only double their population, and not half their industry? The stress that ought to be laid on this latter circumstance may be illustrated by comparing Asia with Europe in this particular; double the population in the former, possessing, according to the most accurate researches, only one-fifth the quantity of gold and silver, which, in addition to paper of all sorts, is required in the latter. Now, the circulation of France was, before the first revolution, set down by Neckar at £88,000,000*—and Thiers, in his history of that event, makes a similar estimate.† Its present amount ought in reference to the increase of her capital and population, to be, at least, 600,000,000 of dollars, and accordingly, as was observed by one of my colleagues, (Mr. Thompson) it is stated at that, on good authority‡. Mr. Rothschild, in his examination before the Committee of the House of Commons in 1832, mentions the paper circulation of the Bank of France as amounting to 750,000,000 of francs. According to this, then, we should require, on the footing of population alone, at least 300,000,000 of dollars. So much for the amount; now for the loss upon it.

Mr. Gallatin considers it only as so much *interest* on dead capital, and even the interest he puts at an exceedingly low rate. But I apprehend the difference to the country between having a

* See an article in Blackwood's Magazine, for last February.
† Burke's Letter on the French Revolution.
‡ Thiers' Hist. de la Revolution Francaise, v. 5, p. 24.

vast inert mass of gold and silver as currency, and turning it into *productive capital*, must be determined, not in reference to *interest* merely, but the *profit* of stock laid out in active industry, which is no where in this country less than 10 per cent., and, in the great majority of cases, the new states and all included, near double that amount on an average. You see then, sir, what an enormous loss a metallic currency would be to the nation, without taking into the account its wear and tear. Look back at the half century that has passed away, and say what that loss would have been, on principles of compound interest, from the beginning up to the present day. Why, sir, it exceeds all powers of calculation, nay of imagination. Do not suppose for a moment that so important, so palpable a truth, although never stated in abstract terms or as a general proposition, has not occurred to the people of the United States. They have *felt* it without *perceiving* it, they have acted on it without reasoning about it, they have perfectly well comprehended the real uses of money, without studying the principles of currency, and they have preferred paper as a circulating medium to gold and silver, because it was better for their purposes than gold and silver, on the simplest maxims of prudence and economy. You may depend upon it, this conclusion is as deeply rooted as it is just. You will never be able to shake it. All your policy will be of no avail, as all legislation is forever vain which comes in conflict with the genius of a people, especially in matters so deeply and visibly affecting their private interest. The Barbarian who, in his impotent rage, threw fetters into the Hellespont and scourged its foaming billows, did not wage a more insane war against the nature of things.

But we are told that, if it is an *experiment* that has been proposed to us, we need not be alarmed at it, because we are accustomed to experiments, and successful ones; that our Constitution itself is a mere experiment. Sir, I deny it utterly, and he that says so shows me that he has either not studied at all, or studied to very little purpose, the history and genius of our institutions. The great cause of their prosperous results—a cause which every one of the many attempts, since vainly made to imitate them, on this continent or in Europe, only demonstrates the more clearly—is precisely the contrary. It is because our fathers made no experiments, and had no experiment to make, that their work had stood. They were forced, by a violation of their *historical, hereditary* rights *under the old common law of their race*, to dissolve their connection with the mother country. Their external, their *federal* relations were of course changed, and in that respect, and, in that respect only, they were compelled to do their best in the novel situation in which they stood. What relates, therefore, merely to the union of the States is all that

gives the least countenance to this superficial idea of an "experiment", which has done so much to misguide the speculations of some visionary minds upon these important matters. Even in this respect, however, an attentive study of our history will show that strong federal tendencies existed and had, frequently, on former occasions manifested themselves.* But the whole constitution of society in the States, the great body and bulk of their public law, with all its maxims and principles—in short, all that is republican in our institutions—remained after the revolution, and remains *now*, with some very subordinate modifications, what it was from the beginning. Our written constitutions do nothing but consecrate and fortify the "plain rules of ancient liberty," handed down with Magna Charta, from the earliest history of our race. It is not a piece of paper, sir, it is not a few abstractions engrossed on parchment, that make free governments. No, sir, the law of liberty must be inscribed on the heart of the citizen: the word, if I may use the expression without irreverence, must become flesh; you must have a whole people trained, disciplined, bred, yea, and born, as our fathers were, to institutions like ours. Before the colonies existed, the Petition of Right, that Magna Charta of a more enlightened age, had been presented in 1628 by Lord Coke and his immortal compeers.—Our founders brought it with them, and we have not gone one step beyond them. They brought these maxims of civil liberty, not in their libraries but in their souls; not as philosophical prattle—not as barren generalities, but as rules of conduct; as a symbol of public duty and private right, to be adhered to with religious fidelity; and the very first pilgrim that set his foot upon the rock of Plymouth stepped forth a LIVING CONSTITUTION! armed at all points to defend and to perpetuate the liberty to which he had devoted his whole being.

It only remains for me to advert briefly to one or two additional topics, and I have done. It has been argued as if the currency given to bank paper in this country were due almost exclusively to the countenance which government affords it, by receiving it in payment of public dues. Certainly sir, the patronage of government is an important concurring cause of this credit; but it is not true that it is essential to it. What does the house of Rothschild owe to the government of Europe—that house to which all the governments on the continent are obliged to have recourse in their financial exigencies? And here let me call the attention of those, who declaim so vehemently against the agency of banking corporations, to the fact, that this mighty house, with its scarcely less than royal influence and splendor, like most of the other establishments of the same kind in Europe, is no corporation at all, but a mere private partnership, and to

* Convention at Albany, &c.

the additional fact, that its colossal fortune has been amassed in little more than a single generation, by an obscure person, born in a corner of the Juden-Strasse of Frankfort on the Maine, and his four sons. Do you not see then, sir, that the odious common places about "*the* money power," and "the political powers," either have no meaning, or apply with all their force to every accumulation of capital, and all the great results of modern commerce? The "money power," I presume signifies "the power of money," which is widely diffused in this country, thanks to the protection of equal laws, and which will exist and continue to have its influence, so long as those laws shall protect it from *confiscation*, whether it shall borrow the credit of the government, or the government shall borrow its credit. It is scarcely necessary to notice an idea, analogous to the last, which has been very much insisted on, and that is, that the commerce of New-York has been built up by government credits. Why, sir, this does appear to me too extravagant to need exposure. New-York has been built up by her unquestionable natural advantages, and there is no measure of this government—there is only one event, that can possibly deprive her of her immense commercial ascendancy,—the dissolution of the Union—*that*, and nothing but *that*, can do it. Commerce, as I have already remarked, tends every where to centralization: look at Liverpool, look at *Havre*, the last, in a hard money country. But on this head there is a very important consideration, which has been urged with all his admirable eloquence, by one of my colleagues in the Senate (Mr. Preston). If this concentration of commercial business at that city be injurious to the others now, what will it become, if, by collecting the revenue in gold and silver, and thus making gold and silver mere merchandize, you add to the disadvantages of centralization all the difficulties of procuring coin—make New-York the great specie market—and render the whole country tributary to the money changers of Wall-street?

Sir, a word more to the South and for the South. When your system of protection was still in all its vigor, we, (I mean the people of South-Carolina,) sent you a protest against its principles and tendency, which contained, among other objections to it, one that deserves to be repeated here. We told you that we depended absolutely upon commerce—commerce on the largest scale—commerce carried on as it has been for the last half century, with an ever increasing production, provoking and creating an ever increasing consumption, and permitting us to send a million (now a million and a half) of bales of cotton into the market, without any danger of a *glut*. We told you the staple commodities, especially the principal one which we produced, were among the very few in the production of which slave labor can enter into competetion with free. We reminded you that, great

revolutions in trade, sometimes arose from apparently slight causes, and that, however far it might be from your purpose, or even your apprehensions, it was possible that your legislation might occasion us the loss of our foreign market, our only resource—that the result of that loss to us would be poverty and utter desolation, that our people in despair, would emigrate to more fortunate regions, and the whole frame and constitution of our society would be seriously impaired and endangered, if not dissolved entirely. And we adjured you not to persist in a course of legislation of which the benefit to yourselves, even were they unquestionable, were nothing in comparison of the danger to which they exposed us—a danger which, however contingent or remote, involved our whole existence, and could not be contemplated without well-founded alarm.—Sir, I repeat to you now—I repeat to the representatives of the whole South on this floor—the words then addressed to the house on a different subject. Let well alone. Resist this uncalled for innovation, of which no one can foresee the whole extent nor the ultimate results. Mark what your Secretary of the Treasury has told you, in the very paper in which he reveals the project on the table—YOU PRODUCE TOO MUCH COTTON. Go home, gentlemen of the South, and tell your people that their successful industry is a vice—that the fertility of their soil is a curse—that their excessive production occasions disorders in the state—and that the remedy for *our* troubles is that *they* should live on short commons.

Let them co-operate with our political economy, by depriving themselves of the little mercantile capital they have—let them abolish those corporations to which people, who cannot themselves do business—the widow and the orphan—have contributed their means for the accommodation of commerce—let them but do this, and their docility will be admirable, and shall have our approbation.

Sir, before I take my seat there is one other topic that I feel it my duty to advert to—I mean to the supposed injurious effects of banking institutions upon the laboring classes of society. Although I have no doubt but that there are many defects in the constitution, as well as the management of those institutions in this country, and should be most willing to co-operate, if occasion served, in reforming them, I have no hesitation in acquitting them at least of *this* charge. Who that has ever heard of the relation between capital and labor, between wages and profits, but must see at once, that it is unfounded; and accordingly Hume objects to banks that by their issues they raise wages, and so hurt the manufacturing interests of a nation. I have already remarked that one of the effects of an increasing currency is to a distribution of the wealth of society more favourable to the industrious classes of it—to confiscate, in a manner, the property

of those who lived on fixed incomes, for the benefit of those who produce the commodities on which those incomes are laid out. It is for this reason that the radicals of England—Mr. Atwood, for example—are all strenuous advocates of paper money, and even of inconvertible paper. The idea that the poor are to gain by a return to metallic currency is, so far as I know, confined to their friends in this country, whose zeal is certainly greater than their knowledge. It is true, sir, that, among other disadvantages attending frequent fluctuations in the currency, it is said that wages are the last thing that rises in a case of expansion. And that may be so in countries where the supply of labor is greater than the demand, but the very reverse is most certainly the fact here where the demand—especially, when stimulated by any extraordinary increase, real or fictitious, of capital—is always greater than the supply. All price is a question of *power*, or relative necessity between two parties, and every body knows that in a period of excitement here wages rise immediately, and out of all proportion more than anything else, because the population of the country is entirely inadequate to its wants. During the last year, for instance, the price of labor became so exorbitant, that some of the most fertile land in South-Carolina, rice fields which have been cultivated a hundred years, were in danger of being abandoned from the impossibility of paying for it. Sir, as a southern man, I represent equally rent, capital and wages, which are all confounded in our estates—and I protest against attempts to array, without cause, without a color of pretext or plausibility, the different classes of society against one another, as if, in such a country as this, there *could* be any natural hostility, or any real distinction between them—a country in which all the rich, with hardly an exception, have been poor, and all the poor may be rich—a country in which banking institutions have been of immense service, precisely because they have been most needed by a people who all had their fortunes to make by good character and industrious habits. Look at that remarkable picture—remarkable not as a work of art, but as a monument of history—which you see in passing through the Rotunda. Two out of five of that immortal committee were *mechanics*, and such men!* In the name of God, sir, why should any one study to pervert the natural good sense, and kindly feelings of this moral and noble people, to infuse into their minds a sullen envy towards one another, instead of that generous emulation which every thing in their situation is fitted to inspire, to breathe into them the spirit of Cain, muttering deep curses and meditating desperate revenge against his brother, because the smoke of his sacrifice has ascended to heaven before his own! And do not they who treat our industrious classes as if they were in the

* Franklin and Sherman, signers of the Declaration of Independence.

same debased wretched condition as the poor of Europe, insult them by such an odious comparison?—Why, sir, you do not know what poverty is—we have no poor in this country, in the sense in which that word is used abroad. Every laborer, even the most humble, in the United States, soon becomes a capitalist; and even, if he choose, a proprietor of land, for the West with all its boundless fertility is open to him. How can any one *dare* to compare the mechanics of this land, (whose inferiority in any substantial particular—in intelligence, in virtue, in wealth—to the other classes of our society, I have yet to learn,) with that race of outcasts, of which so terrific a picture is presented by recent writers—the poor of Europe? A race, among no inconsiderable portion of whom famine and pestilence may be said to dwell continually—many of whom are without morals, without education, without a country, without a God! and may be said to know society only by the terrors of its penal code, and to live in perpetual war with it. Poor bondmen! mocked with the name of liberty, that they may be sometimes tempted to break their chains, in order that, after a few days of starvation in idleness or dissipation, they may be driven back to their prison-house, to take them up again, heavier and more galling than before:—severed, as it has been touchingly expressed, from nature, from the common air and the light of the sun; knowing only by hearsay that the fields are green, that the birds sing, and that there is a perfume in flowers.* And it is with a race, whom the perverse institutions of Europe have thus degraded beneath the condition of humanity, that the advocates, the patrons, the protectors of our working men, presume to compare them? Sir, it is to treat them with a scorn, at which their spirit should revolt, and does revolt! Just before I left Charleston, there was a meeting called for some purpose, which was regarded by the people of that city as unfavorable to public order. There was something, I suppose, in the proceedings, which looked to the invidious distinction of which I have been speaking; for it led, as I have heard, to an expression of sentiment from one of our mechanics,† which struck me as noble beyond all praise. He said, he wondered what could be meant by addressing, to the industrious classes particularly, all inflammatory appeals against the institutions of the country—as if they were not a part of the community, as much interested in its order and peace, as any other—as if they had no ties of sympathy or connection with their fellow-citizens—above all, as if they had not intelligence and knowledge enough to take care of their own interests, but were reduced to a state of perpetual pupilage and infancy, and needed the officious protection of self-constituted guardians! Sir, that

* Michelet. † Mr. Henry J. Harby.

was a sentiment worthy of a freeman, and which may be recorded, with honor, among the sayings of heroes.

Mr. Chairman, I thank the committee for the attention with which it has honored me. I have detained it long: but I was full of the subject which appears to me to be one of vast importance, in all its bearings. I have spoken what I felt and thought, without reference to party. But I will say one word to those with whom I have generally acted on this floor. I have heard that some of them disapprove this measure, but are disposed to vote for it to oblige their friends. Sir, this is a strange and great mistake. A true friend ought to be a faithful counsellor.* Let them remember the deep reproach which the great poet puts in the mouth of one of his heroes:

> Hadst thou but shook thy head, or made a pause,
> When I spoke darkly what I purposed;
> Or turned an eye of doubt upon my face!——

[* Phocion to Antipater. Plutarch de Adulatore et Amico. ου δυνασαι μοι χ' φιλῳ χρησθαι χ' χολακι τουτ' εϛι, χ' φιλῳ χ' μη φιλῳ.]

RECOGNITION OF HAYTI.

Speech, delivered in the House of Representatives of the United States, December 18, 1838.

Mr. SALTONSTALL, of Massachusetts, having presented a memorial praying for the recognition of the Republic of Hayti, and the establishment of international relations with her, and having moved its reference to the committee on Foreign Affairs—

Mr. LEGARÉ desired further information as to the nature of the memorial, and the grounds on which it asked for its object.

The Chair said there was no question before the House but the question of reference.

Mr. Legaré raised the question of reception. He objected to the memorial being received. There was a wide difference between petitions which were presented *bona fide* by our merchants with a view to relieve themselves from a difficulty or embarrassment under which they labored in their business, and petitions of similar form got up by abolitionists for purposes of political effect, and to promote the ends of abolition. If this were a petition of the former character, he saw no difficulty in receiving it. He was aware how difficult it was to distinguish practically between them. Still, if it were a memorial of the latter kind, it was virtually an act of war against one portion of the Union, and the House had not only a clear constitutional right to reject it, but was under the most solemn and imperative duty to do so. He had been desirous of an opportunity of expressing his views in relation to this subject; and it was certainly much to be regretted that a question of such vital importance to a great and growing confederacy, whose members were continually multiplying, and with them the diversities in condition, character, pursuits, and interests, that made the administration of a Federal government so very delicate a matter—a question, too, which must, in the nature of things, be perpetually recurring—should be smothered in this manner. But he was out of order, he knew, and he would not press his remark further. [Cries of "Go on! go on!"] If not out of order, I should really like to address a few words to this question. The gentleman from Massachusetts, (Mr. Adams), in a spirit, I must be permitted to say, less offensive than he usually displays on this subject, has contended that the amendment of the constitution

touching the right of petition has set at nought all the precedents of the British House of Commons. But look at the amendment; what does it say?

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The question is whether there is any thing in this language to render inapplicable here the parliamentary law touching the subject of petitions. And is it not as clear as day that there is not? The thing prohibited in this amendment is a *new law;* an act of both Houses, approved by the Executive; a *statute,* declaring that the right of assembling to petition their rulers does not belong to American citizens, or which shall in any wise weaken or impair that right. The words are, "Congress shall *pass no law.*" What is "*Congress?*" The Senate and House of Representatives together. The object was, as in the analogous case of trial by jury, to preserve freedom of debate and the right of petition forever as they stood at common law. But here we are not called to pass a statute, but simply to declare what is the meaning of the common law itself.

It is not a legislative but a judical function we are exercising in relation to the reception of petitions, under our undoubted constitutional right of regulating our own procedure. The right of petition is as much protected by this amendment of the constitution as the freedom of speech is, and *no more.* And will any man tell me that the freedom of speech is absolute and inherent, and cannot be restrained by this House? Is a member of this House, under this provision of the constitution, entitled to say just what he pleases in this hall? May he vomit forth blasphemies? May he shock your ears with foul obscenity? May he attack the fundamental principles of republican government—for that I pronounce to be clearly out of order? I think no man will maintain this, or any thing like this.* The meaning of the amendment is clear. It means that what is liberty of speech in this House shall be judged by the House, and by the House alone. Not by the Senate; not by the President; not by any power other than the House itself. It is not to make the right absolute, but to render the jurisdiction exclusive. And I say that the judicial right of this House to decide on all such questions is not in the least impaired, but, on the contrary, secured and guarded by this amendment to the constitution. The right is preserved as a sacred prerogative of the American people, but to be exercised, with reference to the ends of the con-

* So the previous question, a motion to lay on the table, &c., are familiar instances of the control of the House over liberty of speech in its own members.

stitution under the control of this House, and in conformity to the established practice of the country.

The same doctrine precisely applies to the right of petition; and in relation to that right there are precedents innumerable in the British books. If you go as far back as the times of the Long Parliament, you will find a case in which a petition was ordered to be burnt by the hand of the common hangman. And let no man object that the influences of royalty operated there. This was done by the hands of the regicides, yet reeking with the blood of their monarch: patriarchs of constitutional government—great men, if there ever were such, and men from whom we learnt all our original lessons and ideas of liberty, and who anticipated, at that early period, almost all the reforms we have since carried into effect. I will not carry you to the Parliament of 1680, when England, on account of the exclusion bill, was on the brink of civil war. I admit that these were periods of great popular excitement; and that, in some cases, at such periods, the House of Commons may have gone further than strict law would warrant. I do not stand in need of these exceptionable precedents. There is authority enough without them; for, although I have not been happy enough to meet with nine hundred and ninety-nine out of the thousand commentators on parliamentary law, spoken of the other day by one of my colleagues, (Mr. Pickens), yet the thousanth is all-sufficient for me. I mean honest Hatsell, whose work may scarcely aspire to the dignity of a commentary, but is, at any rate, a most useful and faithful compilation. If you will turn to his *indexes*, you will find abundance of law for the proposition I am now maintaining. The House of Commons, in 1669, in a famous quarrel with the Lords, about this very question of privilege, in the case of a man of the name of Skinner, (if I mistake not), asserted two fundamental maxims as part of the general parliamentary law: 1st. That it is the undoubted right of every commoner to prepare and present his petitions to the house of Commons; and, 2d. That it is the undoubted right and privilege of that house to adjudge and determine how far such petitions are proper to be received. It is true that the proceedings in this case were subsequently—for reasons not affecting this point, however—erased from the journals; but the same doctrine was, in the next generation, under circumstances altogether different, completely established, and has ever since been enforced in practice, without the slightest question or opposition. It was I think, in 1706, under a whig ministry, some years after the famous controversy with the Lords about the Kent petition, that the House of Commons adopted a rule, which it made perpetual in 1713, that no petition against a general tax or money bill should be received, except it were special-

ly recommended to their consideration by the ministers of the Crown. Why? Because, says Hatsell, it were a vain thing to receive what the House is predetermined not to consider; and, in a matter of great national concernment, like the one in question, it is not at liberty to consult the wishes and opinions of any single man or set of men. It is, therefore, on every account, the best and the fairest course to save the petitioners and the House itself much inconvenience and loss of time, by a general exclusion of all such petitions. But the right of the House to refuse to receive is fully established by the standing question, "Shall this petition be received?" which although seldom in fact put, is in all cases whatever supposed to be put, and may at any time be demanded, according to the parliamentary practice recognized by Mr. Jefferson. This alone is conclusive.

Assuming it, then, as incontestably established, 1st, that the amendment of the constitution does not in the least affect the right of this House to regulate its proceedings according to the settled law of Parliament; and 2d, that, according to that law, there are petitions which it is both authorised and bound to refuse to receive, the only remaining question is, whether *these* petitions fall within that category.

Upon this point, as I said just now, if I were called upon in the spirit of peace, and bona fide, with a view to the commercial benefit of the country, or in order to relieve it from some embarrassing difficulty, to receive a memorial like that now offered, God forbid that I should be seen to treat it with contempt or harshness, or should throw any obstacle in the way of its being candidly examined upon its merits by a committee of this House. I say nothing as to the proper course to be taken there; that is another affair. But the memorials before you, as I understand, are but another step in the war which a band of wicked conspirators are daring to wage upon the constitution and the peace of the country through this House. It is not for the paltry commerce of a horde of barbarians that agitation is beginning on this subject. It is because it affords a plausible pretext and a convenient opening to a continued discussion of that fatal question which has been agitated in and out of this House of late, with so much vehemence, with so many extravagances of heated imagination, with apparently such fiery enthusiasm, that no man who considers what is the genius of this age can contemplate it without anxiety for his country. Sir, I would awaken the public mind at once to the tremendous issues involved in this question. Let me assure gentlemen they are mistaken if they suppose that it is to be managed by mere party manœuvring—that it is to be settled by a word-catching caucus, splitting hairs and shunning difficulties with all the little subtleties of grammar and philology. No, sir, no; *non tali auxilio*—it is a plain practical matter; full

of deep and dreadful interest, it is true; but on that very account, to be treated without artifice, evasion, or reservation of any kind. You must meet it, sooner or later, in all its gigantic extent and importance. It is a question in which the destinies of such an empire—I speak prospectively as well as of the present—as the sun has never yet shone upon—of a *world*—are involved—a question which you cannot seriously agitate here, without shaking this whole continent, if you will pardon the boldness of the expression, to its foundations. The heart of a great people—I mean that people who inhabit the broad land from the Susquenannah to the Red river—from the capes of Virginia to the recesses of the Missouri—look at the map—it is more than half the country—the heart of that whole people, I say, throbs with indignation and alarm, when what involves their life and being, and concerns you here nothing, is so wantonly drawn into discussion, so daringly threatened with violence. My friend there (Mr. Dawson) knows what those feelings are.

The Chair here called Mr. Legaré to order. [Cries of "Go on! go on!"]

Mr. Legaré proceeded. This question, I say, cannot be smothered or evaded; it must be met at once; it must be met with the wisdom of statesmen; it must be met with the courage of men. Gentlemen should be allowed to give not only their votes, but their reasons. They should be ready, they should be eager, to do so. The man, who on such a subject shrinks from his high responsibility to the country, who is afraid to proclaim before the civilized world his obedience to her constitution, his devotion to her safety and welfare—what is he doing here? Such a man is far below his place—he is utterly unworthy of the awful functions in which his constituents have clothed him. There was a symptom of the times, he said, which was particularly offensive to him. In the conflicts of rival factions there seemed to be men who took delight in witnessing, or at least were disposed to turn to account, the convulsions of the Southern mind under the perpetual torture of this agitation—who appeared to flatter themselves they could treat our people of the South like animals, in a chemical experiment, under the influence of poisonous gases—measuring, with cool precision, their capacity for suffering—renewing their cruel agonies, and prolonging them just so far as might be necessary for the occasional purpose, without bringing on dissolution. Sir, let me warn gentlemen of all parties—this will not do. The most precious interests, the dearest sensibilities, the life and the blood of our people, are no subject for party speculation—no stock in trade for political adventurers. The present mode of proceeding would never calm the feelings and the conscience of the American people. The question ought at once to be disposed of, in a fair, open, candid,

and manly spirit. Look at the progress of things. The abolitionists came, and first told the House it must abolish slavery in the District of Columbia; in the next place, it must refuse to admit Florida into the Union; when they asked it to prevent the removal of the black race to more southern climates; now—

Here the Chair interposed. [Cries of Go on! go on!"]

The Speaker said it was not in order to cry "go on" when a gentleman was violating the rules of order. If the gentleman was permitted to proceed, it would open the whole abolition question to debate, while the House had resolved and ordered that no debate on the subject should be entertained. The gentleman must confine himself to the rules of order. The question was on the reception of a memorial.

Mr. Legaré, protesting against the interruptions of the Chair, said my objection against this memorial is that it aims at *abolition*—is a part of a system—is *not* for the benefit of commerce, but for the ruin of the South.

The Chair. If the memorial had anything on its face about abolition, it would be at once laid on the table.

Mr. Legaré. Well, sir, I want to show that it is a firebrand cast into the House for the worst purposes; that it originates in a design to revolutionize the South, and to convulse the Union, and ought, therefore, to be rejected with reprobation. As sure as you live, sir, (said he,) if this course is permitted to go on, the sun of this Union will go down—it will go down in blood—and go down to rise no more. I will vote unhesitatingly against nefarious designs like these. They are treason. Yes, sir, I pronounce the authors of such things traitors—traitors not to their country only, but to the whole human race. I have a clear constitutional right to refuse to receive such papers, and I am bound, by every tie of duty, to do so. I have spoken, perhaps, with too much ardor, and I trust the House will make allowance for whatever may be amiss in the unpremeditated language I have uttered. But I cannot express, by any words I command, a tithe of the anguish with which I rise to speak on the subject at all. Without being, perhaps, a *legitimate* democrat—whether I am or not, God knows; I leave it to the doctors of the school—I have been nursed from my youth in an idolatrous love of that most noble of all forms of polity, republican government, and I have dreamed for my country the highest things within the reach of humanity—a career of greatness such as the world has never yet witnessed. There is one subject, and, so far as I am able to perceive, but one, that, for the present at least, threatens to cloud this glorious prospect, and to disappoint these high hopes.

It is said this is a question of liberty. Ay, sir, it is a question of liberty; not a wild, visionary, impracticable scheme for giving

liberty to a race utterly incapable of it, did our constitution even permit us to do so; but a question involving the sober, stable, rational, enduring, hereditary liberty of the Anglo-American, which has hitherto been identified with our whole being, but of which the knell is struck whenever the schemes of these petitioners shall have been consummated. Dissolve this Union, and your republican institutions are gone forever. In the scenes of blood and anarchy which will infallibly succeed, no human prescience can anticipate precisely what results will ensue; but one thing, at least, I hold to be perfectly certain, and that is that popular government will cease to exist in States engaged in perpetual hostility with one another. And can gentlemen bring themselves lightly to tamper, in spite of the most solemn constitutional obligations, with interests like these? Do they imagine that the people who sent them here are prepared to peril the peace, the union, the liberty, the hopes, of this continent, in an idle pursuit of a mere visionary, unattainable good; that they are ready to overthrow the constitution, and to dismember the confederacy, in violation of their most sacred duties under the one, and their unspeakable interest in the other? Sir, I tell you they are not. I have a consoling and triumphant confidence in their calm reason and sage and serious morality. I am not using the base language of adulation. I disdain it. I know that, like the rest of mankind, our people are fallible and often doing wrong. I have no doubt, too, that *we* are responsible for much of the error into which they are occasionally betrayed; that we do not hold to them the sincere and courageous language of truth, and dare to present to them every important issue in its true character. But of their ultimate decision on every thing that relates to the preservation of the Union, I will not permit myself to doubt. I am sure that, if they were now here, within the sound of my voice, it would not be addressed in vain to their bosoms. Let the question be fairly presented to them, before it is too late; let them be brought to pass upon the true issue involved in these schemes, before they are driven to madness by a most unhallowed agitation—and all is safe.

I have now, in a very hurried manner, gone through the whole subject, so far as it was my purpose to deal with it. I have established, I trust satisfactorily, that the amendment of the constitution has not at all changed the lex parliamenti (as part of the common law) touching this matter. That, by the law of Parliament and the constitution of the United States, this House has an undoubted right to adjudge and determine what petitions are not proper to be received by it. And, lastly, that the petitions now in question are in fact such as are not proper to be received; and I have, accordingly, without hesitation, voted against receiving them.

SOUTHERN NAVAL DEPOT.

Speech, delivered in the House of Representatives of the United States, January 11, 1839.

THE House, having under consideration the bill providing for a dry dock, at the navy yard, at Brooklyn, New-York, which bill Mr. Paynter proposed to amend by making provision for a similar improvement at Philadelphia, and the question immediately pending being on a further amendment, moved by Mr. Thompson, to strike out Philadelphia and insert Pensacola—

Mr. Legaré said that, when he entered the House a few minutes ago, nothing was further from his thoughts than that he should be then addressing the Chair in reply to what he had understood to be a violent attack of the gentleman from Maine upon the peaceful city which he (Mr. L.) had the honor *still* to represent.

[Here Mr. Evans rose and disavowed an intention of saying any thing that might be offensive to Mr. L's constituents, further than a fair argument against their claims to have a navy yard, &c., might be considered as offensive.]

Mr. Legaré. I did not hear the gentleman myself. I received my impressions from what others understood the gentleman as saying. I am informed, for instance, that he repeated the words, "begging, begging, begging," as if to imply that no importunities had been spared by the citizens of Charleston to obtain what they knew they had no right to ask on broad grounds of justice and policy.

[Mr. Evans explained again.]

Mr. L. Be it so, sir; I am not quite sure that I should very materially have altered the spirit of my reply, had the gentleman really been betrayed into the use of language so unjust and unbecoming. It is not my habit to sacrifice the dignity and the decencies of this House to wrangling personalities; nor, standing here as the advocate of so good a cause, would I cast a suspicion upon it by resorting to the language of passion. As to the imputations thrown out by the gentleman against Southern members, for the *sectional* spirit (as it is called) with which they discuss matters of the kind, I fearlessly appeal to the House whether the uniform tenor of my conduct and language here does not entirely exempt me from such a charge. I have never resorted to topics of that sort without reluctance, and in the

exercise of those rights of self-defence which sanction so many other deviations from strict formal rules. I do not ask for my constituents any thing but what I think them fairly entitled to—any thing which *they* would not consent that I should grant to others. But it is surely no objection to a measure, that, besides being recommended to your adoption by general reasons of national policy, it will be attended with peculiar local advantages; and, if my predecessor, in the zealous and able arguments which he from time to time put forth on this subject, did urge it as a weighty consideration that the establishment of a navy yard at Charleston would feed and employ a strong body of white mechanics and laborers, in a part of the country where that description of people are more wanted, and need, perhaps, more encouragement than in any other, he uttered sentiments which I here adopt for my own, and of which I will undertake to maintain the propriety upon the most incontrovertible grounds.

To begin, however, with the subject before the Committee. I was, from the first, inclined to vote for the appropriation recommended by the Committee on Naval Affairs; and, although my opinion has been occasionally shaken in the course of the debate, I am still determined to do so. It appears to me obviously proper that there should be a dry dock at New-York—the great seat of our commerce—the centre of our navigation—the port, in short, which, in times of actual service, is, for many reasons, more likely to be the point of rendezvous and resort than any at the North. This opinion I find confirmed by that sort of evidence which, I agree with the gentleman from Maine, must generally govern, or, at least, very much influence our determination here—the demands of the Navy Department and the reports of the appropriate committee of this House. There may be some weight (I do not think as much as one would be led to ascribe to it from the present embarrassment of the finances) in the argument founded on the necessity of retrenchment. But, looking at the immense resources, actual and eventual, of the country, I will not consent to neglect or to weaken any of its military defences, simply because, from transient causes, our Treasury happens to be rather low. Unless our affairs be miserably mismanaged, a few years will restore to us a redundant revenue, and we should, by refusing this money, only sacrifice the strength and protection of the country, which ought never for a moment to be neglected, to an ill-timed and most timid and unreasonable parsimony.

So much for the appropriation called for; but the amendment of my colleague, (Mr. Thompson,) to whom I consider the country as under a great obligation for having drawn public attention to a matter of such vast and fundamental importance, as well as his able speech and that of another of my colleagues,

(Mr. Elmore,) have given a range to this discussion which it had not at first; and both with a view to aid them in their most laudable efforts, and to expose the fallacies of the gentleman from Maine, (Mr. Evans,) I will trespass upon the committee a little longer while I speak of the defenceless state of the Southern coast, and the urgency of its claims upon this body for a better system of measures to protect it. I deeply regret, however, to have to speak on such a subject so entirely without the preparation to which its magnitude entitles it; but it has long occupied my thoughts, and I will venture to throw out some general ideas in regard to it, in the hope that such suggestions will not be lost upon those who have an interest in the inquiry, and may find sufficient leisure to pursue it more in detail, and, it is to be hoped, to great practical results.

It is impossible, Mr. Chairman, to cast your eyes, however carelessly, over a map of the United States—and such is the important influence of geography, natural and physical, upon the destinies of empire, that no man can pretend to the character of a statesman, in such a country as this, who does not closely study its map—without at once perceiving that Pensacola is destined, by nature, to be the key of the most gigantic commerce that was ever, in the history of the world, concentrated upon a single spot. I speak not of the West as it is, wonderful as it is. I speak of what a very few years—for what is a century in the life of a nation?—will most certainly bring about. Every thing on this side the mountains will be *dwarfed* in the comparison. The valley of the Mississippi, in its whole extent, is capable of supporting as great a population as that of all Europe put together; and its external commerce, borne upon the waters of a single river to New-Orleans, must follow the course of the Gulf stream to more northern latitudes. There is something overpowering in the idea of such a state of things, and it is scarcely less startling to reflect upon the facility with which a foreign enemy may throw obstacles to any extent in the way of such a trade. He has only to blockade the mouth of the river with such a fleet as the possession of a port in the West Indies will enable him to keep at sea, and evils, far beyond all calculation, may be inflicted on the whole country watered by its various streams. Sir, I have only to mention a name, which no American can hear pronounced in connection with certain *possibilities* without some excitement—*Cuba*. Do you doubt that, in the event of another war with England, for instance, she would take possession of that island, and *hold* it if she could? She already has the keys of almost every important sea. Will she neglect that of the most important of all? Sir, it is with a view to contingencies so probable, to exigencies so pressing as these, that I regard Pensacola, according to the best information I pos-

sess upon the subject, as entitled to your most earnest attention. Looking to the facilities, in such a country, of artificial communications by canals and railways, and to the great advantages it possesses in the character of its bar and harbor, that city will, not improbably, be the *Havre* of New-Orleans. You should render it, as far as possible, impregnable—you should arm it with every means and instrument of war, offensive and defensive. It should be your Gibraltar. And now, sir, I ask whether, in the face of such a prospect as this, it is reasoning like statesmen to argue, with the gentleman from Maine, that the wages of labor will be a little higher there; that the munitions of war and ship stores will not be so cheap as in New-England? Does not the gentleman perceive that if this argument is good for any thing, it proves too much for his purposes; that it would show that we ought to break up the great establishment at Norfolk, to which it applies just as forcibly as to any other port in the South; indeed, that it would make it necessary to crowd all your dry docks and navy yards into that part of the country where contracts could be entered into upon the most reasonable terms?

[In the course of these remarks Mr. Legaré was interrupted more than once by Mr. Evans, the latter gentleman stating, at some length, that what he had said on this subject was not intended to convey his own opinions so much as to refute those of Mr. Thompson and others, who contended for the superior advantages of Pensacola, in respect of its forests of live oak, &c. Mr. Thompson also explained.]

Mr. L. replied that, although he held himself responsible only for his own opinions, yet he must say that forests of live oak, &c., were, at least, no disadvantage.

But, sir, (he continued,) to look at the subject in a point of view in which it most deserves the consideration of statesmen, we are to regard the seaport in question as a place *d'armes*—a great port of military equipment. In Europe, where the state of war is the basis of all political systems and calculations, such a point could escape the observation of no minister entrusted with the affairs of a great nation. An ingenious writer has remarked that the three men whose memories are dearest to France—I do not mean in the vulgar sense of the word "popularity"—but who have the strongest hold upon the French mind, as identified with the history and the destinies of their country—Richelieu, Louis XIV. and Bonaparte—will be remembered after all transitory grounds of reputation and influence shall be passed away, as founders of the three great military ports of Brest, Dunkirk, and Antwerp. The last of these I have often visited with interest. Its great importance to the empire of Napoleon was well expressed in his saying that it was a pistol loaded and presented at the very heart of England. The whole argument on this subject is

summed up in that sentence; it is, that your preparations should be made as near as possible to the spots where they would be most wanted. Consider, for a moment, what is passing in the other hemisphere. The navigation of the Bosphorus and the Hellespont is almost become the pivot of European politics. Russia must have this outlet for her commerce. It is only our old quarrel with Spain about the navigation of the Mississippi and the use of New-Orleans as an entrepôt. Well, sir, Pensacola commands our Bosphorus and Hellespont, or will enable us to prevent others from commanding it; and if we do not, by a foresight worthy of the lawgivers of a great nation, anticipate events by preparing it at once to serve the purposes for which Providence seems to have marked it out, we shall, I have no doubt at all of it, be made to feel its importance by disastrous experience in some future war.

But to proceed to what the gentleman from Maine said in connection with the claim of the citizens of Charleston to have that place used as a naval station, and provided with a navy yard, for sloops of war. I have already said that the gentleman is mistaken in supposing that this claim rests upon the ground of favor—that it was merely because an establishment of the kind would be a great encouragement to mechanics, so much wanted in that part of the country—although this would certainly be a very signal incidental recommendation of the measure—that I should urge it upon this House on a proper occasion. I maintain that it comes fairly within that principle which the most strenuous advocates of freedom of trade have admitted to be a fair exception to their general rule; and that is that whatever is necessary to the defence of a country ought to be *protected* at some cost by the government. It stands, for instance, on precisely the same principle as the navigation act, of which the gentleman seemed to speak with a perfect unconsciousness that it was a case in point against his own argument. By the navigation act a monopoly was secured, and from the foundation of the government had been continually secured, to the Northern and Eastern States, of the whole coasting trade. It had been secured to them for the very purpose of breeding the seamen, the possession of which by those States the gentleman thought a sufficient argument to show that no naval establishments ought to be kept up at the South, because they would cost a little more. He had quite forgotten that the South had borne, without any compensation, its share in this tax for the support of Northern navigation, and borne it without murmuring, on the ground of the necessity to the defence of the country in time of war, that its commercial marine should be encouraged in time of peace; for his colleague over the way (Mr. Elmore) had told them truly that we were

willing to divide our last dollar with them to repel a common enemy.

[Here Mr. Evans interrupted Mr. Legaré, saying that the monopoly was not for the benefit of Northern sailors alone, but of all the American shipping interest.]

Mr. L. Nominally, to be sure, it is so; but, the fact being that all our seamen are residents of the North, it is perfectly accurate to say that it is virtually a tax levied upon the whole country for the benefit of Northern navigation. Foreign competition, which would lower freights for Southern produce, is entirely excluded by it, and I have reason to know that this is no imaginary advantage. I heard frequent complaints, from our consuls abroad, that the Swedes and other nations in the north of Europe were interfering with us, as carriers, to a fearful extent; so much so, that great doubts seemed to be entertained by these experienced persons about the policy of our treaties of reciprocity in this particular. I say, then, sir, that the objection of its costing a little more to maintain these naval establishments necessary, as I think them, to the permanent defence and security of a country—besides that, it really is one of no weight at all—comes with a very ill grace from the lips of a gentleman from the Eastern States.

Now, sir, I claim for Charleston a navy yard, for the construction and repair of sloops, on the ground that there is not a single port of military equipment along the whole line of coast, immense as it is, from the capes of Virginia to Pensacola; that this coast is precisely the frontier most exposed, and exposed to the most dangerous attacks in the event of a maritime war with any great European power; that, from its situation in regard to the Bermudas and the West India islands—the latter especially likely to become either the strongholds of the great powers, with a view to hold us in check, or dens of picaroons and bucaniers—this exposure becomes doubly perilous to it. I maintain that to leave this vast tract of country in so helpless a state with regard to maritime warfare, as to be unable to fit out the smallest vessel of war, is a neglect wholly inexcusable on any ground of equal justice or wise systematic policy. There are two circumstances, especially, that combine to render the situation of Charleston peculiarly interesting as a port of equipment for such vessels as may be able to pass over her bar. The first is one agreed in, so far as I know, by all who have, whether officially or otherwise, examined this subject; and that is, that it is the nearest port to the windward station on the West India islands. The advantages of this proximity to a fleet on that station are too obvious to need a remark, especially when you consider that, in suppressing piracies on those seas, the description of vessels employed is

precisely that to which a bar, not very deep, would present no obstacle, and which would need the most frequent renewals of supplies. But the other circumstance alluded to is still more important. It is the immense importance of Charleston as a *place d'armes* and *point d'appui* to the whole surrounding low country of South-Carolina, and even of Georgia, and a part of North-Carolina. I have had occasion to urge this subject very earnestly upon the attention of the Navy Commissioners, as well as our Committee on Naval Affairs. For reasons which appear to me quite sufficient, I shall not, at present, dwell upon it. But I undertake to say that, were this country governed by a wise military despot—if such a one there be—a Napoleon, for instance—he would, in the view of contingencies which it requires no deep political forecast to anticipate, lose no time in arming the city of Charleston with all the instruments and resources of defence which its situation requires and admits of. I look upon that place, peculiarly blessed as it is with a most salubrious climate,* to persons accustomed to it at all times—even to strangers, with the exception of three months at an average interval of seven or eight years—in the midst of a country desolated with malaria—as one of which it is impossible to overrate the importance. More especially is it so, now that its commercial prosperity, through extended and extending communications with the interior, seems to be returning to it, and that every thing in its condition is awakening hopes of a great increase of capital, enterprise and population. Certainly, too, as I said just now, it will be a great incidental advantage, and ought to be a strong additional motive with the government to endow it with all the establishments necessary to its permanent defence, that the money laid out there will do something more than provide it with the means of protection in war; that it will stimulate the industry already awakened by other causes; that it will add to the strength of those laboring classes so much wanted in the Southern country; that it will be a "twice blessed" cause of prosperity by at once inspiring greater security and furnishing motives to further improvement. As to the spirit in which we have preferred and prosecuted our claims, we are somewhat embarrassed to know how we shall act. We were told yesterday, by the gentleman from Virginia, (Mr. Wise,) that to get any thing, even justice, here, we must be sturdy and indefatigable beggars; and that Southern people cannot, or will not, become so. We are to-day twitted by the gentleman from Maine, (Evans,) with the exces-

[* Salubri loco in regione pestilenti, says Cicero of Rome, de Repub. ii., 6—Niebuhr, ii., 413. It was then, as now, sickly on the Esquinal and Viminal. The country people had, during the summer months, to take refuge in towns. All over Italy, the climate is a negative *datum* in inquiring into the site of old towns. All on hills, and where none can now live in summer,—no town for 2500 years.

sive eagerness of our importunities. I trust I have done something to render these, for the future, less necessary, and that the House will hereafter look at the subject in the true national point of view in which it is so fully entitled to its gravest consideration. I shall not myself, it is probable, have an opportunity of pleading the cause when it shall come up in its turn, but I am sure it cannot be presented in vain to men who shall survey the whole subject in the comprehensive spirit of statesmen.

The gentleman from Maine, not content with objecting to the founding of particular establishments in different parts of the South, on grounds of the merest parsimony, seemed to think it perfectly reasonable that that *section* of country should make greater pecuniary sacrifices than any other, in consideration of certain imaginary advantages of political power and influence. My own opinion is, that the ratio of population and direct taxes was a most mistaken concession on the part of the South; but, without touching here a question which is precluded by the constitution, I venture to say that it is impossible for any powers of arithmetic, to compute the amount of the price paid by it for the blessings of the Union. Sir, I do not affect to question these blessings—far, very far, from it. They are the most precious which any form of government can secure to a country—blessings of peace, of liberty, and of glory. Our people have paid their contributions to the general weal, in whatever form they have been demanded; and they have paid them, whenever demanded within the limits of the constitution, with willing hearts and with self-devoted generosity. But let not gentlemen from other parts of the country deceive themselves into an idea that we have not bought these blessing at an immense price; or that we are not fully aware of it. I solemnly protest that I speak of such things with the deepest reluctance, and shall not now do more than just hint the most general view of a subject full of grave matter for reflection. Sir, in the scheme of God's providence, there is compensation in all things; and the South, if it labors, as it certainly does labor, under several disadvantages with regard to commerce and industry, had, in its fertile soil and privileged staple commodities, the means of indemnifying itself to a considerable degree, had all that was drawn from the soil by taxation been returned to it in expenditure, and had her commerce and industry been protected to the exclusion of those of the other States. We should have had sailors of our own, had not the navigation act of the Union enabled those of the East to become our carriers. We should have had importing merchants in our great cities, had not merchants of New-York, &c., without the disadvantages of residence, been enabled to enjoy among us all the benefits of citizenship. This topic is a fearful one, sir, and may be pushed much further, but I forbear.

I have said enough, however, to expose the radical futility and injustice of the arguments which would deprive us of institutions and establishments, of which no great country ought to be destitute, on no better ground than that they will cost a little more in our cities than in those of the North.

I repeat, in conclusion, that I claim nothing for my constituents to which I shall not be able to show they are entitled on the broadest grounds of justice and policy, and I shall expect that every such claim will be unhesitatingly granted by the House.

OFFICIAL DEFALCATIONS.

Speech delivered in the House of Representatives of the United States, January 15, 1839.

Mr. LEGARE said he would, in the remarks with which he was about to trouble the House, confine himself, as much as possible, to the subject immediately submitted to its consideration. He said as much as possible, because the questions that had for some time past occupied and agitated the public mind were so complicated, and ran so naturally into one another, that it was not very easy to single out any one of them, and treat of it as if it were perfectly isolated. As he trusted, however, that he should have an opportunity—perhaps more than one—before the close of the session, to explain at large his views in regard to these high matters, he would content himself, for the present, with stating and enforcing the reasons which had determined him—and he thought would (as they ought) determine the House—to vote, without any hesitation, for the amendment of the gentleman from Virginia. He would be glad if he were fortunate enough to satisfy the Chair itself that the course marked out by that amendment was the proper one. He would not for the world that any thing he did in that hall should be fairly construed into a wilful trespass upon the jurisdiction of the Chair; much less, into a wanton slur upon the character of the Speaker. He had (he said) too high a sense of what was due to the relations that subsisted between that gentleman and the House, as president and members of a high deliberative body. He knew that the official dignity of that officer was identified with that of the House; that his personal feelings are recommended, in a peculiar manner, to its tenderest protection; and he would promise the Chair that it might count with confidence on receiving at his hands—what certainly it would cost him no great effort of generosity to afford—the most indulgent, the most delicate, and the most scrupulous attention, both to the one and to the other.

But, sir, (said Mr. L.,) if the Speaker stands, as I think he does, in a false position in relation to this subject, it is his friends, they, I mean, who profess to be his exclusive friends—that have placed him in it. Not satisfied with claiming for the Chair, as belonging to it of right, a power it does not possess, they have chosen to rest their pretensions on grounds as bad as the claim

itself. Not only does their argument not prove what they purpose, but it leads, if it proves any thing at all, to the very opposite conclusion. If their law is bad, their logic is worse. Instead of showing that the House ought, as its rules now stands, to confide the appointment of this committee to the Speaker, it would justify the House in depriving him of the power, even if it hitherto belonged to him. What is it? Say the gentleman, your committee ought to be composed of members of whom a majority should be favorable to the administration. This is their first assumption. Then they proceed to their second proposition, which is that the Speaker is pledged to his party, and bound upon principle to appoint such a committee; and from these premises they draw their conclusion that he is properly vested with power to appoint it, and should be allowed to exercise it in this case. In other words, the House, which has been called upon by the Executive to institute an extraordinary inquiry into the causes of a defalcation itself so extraordinary as to demand the the most rigid scrutiny, ought, contrary, as I shall show, to every sound principle, to confide that inquiry to a committee so constituted as to be, by the confession of gentlemen, advocates rather than judges of the department of the government whose conduct is the subject of investigation.

Nothing, indeed, can be more extraordinary than the whole course of those professing to be the exclusive friends of the administration on this subject. If a stranger to the proceedings of this House had happened to come into it, for the first time, when the gentleman from New-York was making what I must be permitted to call his very singular opening speech—a speech in which he said all that he ought not to have said, and left unsaid all that he ought to have said—a speech which he yesterday boasted had occupied the House but ten minutes, and in the course of which, I will add, he did not give a single second to any argument to show that the investigation he demanded should be carried on at all—such a stranger would naturally have asked what foul conspiracy had been detected? who they were that were moving with such "a stealthy pace," in deep darkness to some purpose as dark—

[Here Mr. Cambreleng disclaimed any intention of indulging in denunciation, and asked what he had said that could be so interpreted.]

Mr. Legaré. Did the gentleman mean nothing by "voting in the dark," and "shunning responsibility?" Did he mean nothing by the private interests to which he so significantly alluded? Would he venture to utter imputations, in an assembly of gentlemen, about "Morris Canals," and things of that sort, of which he (Mr. L.) knew nothing, and then ask, so innocently, what he had said that could be considered as denunciation?

[Mr. Cambreleng here made some explanation, (scarcely heard by the reporter,) of which the purport seemed to be that what he had said on the subject of the conservatives and the Morris Canal was in reply to Mr. Wise, who urged as a reason, against the Speaker's appointing the committee, that it would be so constituted as to shield the wrong-doers of his own party—that he made no charge himself, &c.]

Mr. Legaré. Sir, I call the attention of the House and of the country to the avowal that has been just made. The gentleman from New-York is one of the most ancient and experienced members of this House; he is its official leader: the accredited organ of the administration; a guide and an adviser, followed by a great party here; and does he talk of our shunning responsibility and shielding fraud—does he hint at combinations to protect peculators, because they disgrace this or that political party by assuming its name—and then come forward before the American people, and coolly confess that he has uttered language of this sort without any sense of the responsibility which it imposes upon him—that they were mere idle words, thrown out at random against a gentleman of one party, because he and his friends had been attacked by another gentleman of a different party? But I will omit what I was going to say on this head. I will not hold the gentleman to language so inconsiderately uttered. I will proceed with the argument which he said not a syllable to impugn, and will show conclusively that, by adopting the amendment of the gentleman from Virginia, the House, far from departing from every precedent, violating every principle, and trampling under foot the rights of the Chair, as had been so confidently alleged, will only be exercising its own undoubted rights, according to the very letter of its positive and written rules.

Why, sir, it was but a very few moments after the gentleman from New-York had taken his seat that the Speaker read from the Chair the law which, from time immemorial, has governed the practice of this House. By our rules, the Speaker is charged with the appointment of committees, unless the House shall see fit to order otherwise, in which case they shall be chosen by ballot. The law is on your table—it stares you in the face—it is, clear, direct, unequivocal. In general, the appointment of committees is referred to the Speaker, as was said by my colleague over the way, (Mr. Pickens,) for the sake of convenience, but the unquestionable power of this House to make the appointment itself has been expressly reserved; and, whenever a case shall arise calling for the exercise of it, the choice shall be made by ballot. And now, sir, I ask, how comes it that nothing was ever heard before of the darkness and the odiousness of this form of proceeding? Are we better or wiser than our predecessors? Have we any lights on the subject now which we did not possess

when those rules were adopted? And, if it be admitted that there are any cases in which this rule should be enforced, can it be denied that this is such a case?

But, before I proceed to show this, as I trust, conclusively, I will say a few words upon a subject which has been more than once alluded to in our debates, and seems, from several things that have been recently said in the House, not to be sufficiently understood by gentlemen. I mean the principles of parliamentary law that ought to govern the appointment of committees and their relation to the house.

We have very generally deviated in this country from the practice of the House of Commons, and what I have understood to have been that of our own legislative assemblies at an earlier period. In the House of Commons there are no standing committees at all. The principles involved in the measures proposed for its adoption are uniformly discussed and settled in the House, on resolution, or on a motion for a committee. When the majority of the House has determined that a report by bill shall be made on any subject, in conformity with principles thus previously established, a committee, of which the majority are always friends of the proposed measure, is named to mature and perfect its details. The propriety of this course is obvious, and it has the merit of precluding some very inconvenient consequences of our practice, according to which our committees, instead of being mere ministerial agents of the House, are turned into a sort of *sub-legislatures*, passing upon the principles of all measures committed to them, and forestalling, in some degree, and prejudicing the opinions of the House. According to the strict parliamentary course, committees have the merit of reflecting, with perfect exactness, all the shades of feeling and opinion that pass over the minds of a deliberative assembly in the fluctuations of debate—so that there is scarcely a possibility that such difficulties, both as to the principles and the details of a measure, as so frequently embarrass the proceedings of this House after a report has been made, should ever arise there. But there is an evil attending our practice which is more serious than any mere inconvenience in its proceedings. The Speaker, being almost invariably elected as the representative of a party, is expected to appoint our committees on party principles; and so it happens that the Executive, where it has a majority in this House at the opening of a Congress, exercises through the Chair an influence which is unknown in the constitutional monarchies of Europe, and is enabled, through the chairmen of our own committees, to give a direction to the business of the House and the opinions of the country the very opposite of that which would be impressed upon them by the fairly expressed sense of

a majority here.* So far as the committees, connected with the great executive departments of the Government are concerned, there is some plausibility in the pretension that the administration, with which the great bulk of our most important measures originates, ought to have a majority of its friends upon them. At any rate the practice is now so inveterate that it is too late to find fault with it; but surely this is no reason why a principle so irregular should be extended to other cases, and, least of all, to such cases as that before the House. And this leads me back to the proposition from which I digressed just now; which is that if there ever was an extraordinary case, a case calling for the exercise of the power reserved to the House, of electing its own committees, that case is the one under consideration.

What is it, sir? The administration, through its official organ in this House, comes here and demands, at our hands, a committee—to do what? Why, to inquire how it happened that one of the principle agents of the Executive has been guilty of malversation in office. What right, in the first place, has the Executive to make any such call upon this House? What have we to do with the conduct of officers appointed by it—removable at its will, subjected perpetually to its censure and superintendence, responsible to it for their good behaviour, and for whose good behaviour it is itself responsible to the country through this House? The very proposal of such an interference as this implies a confusion of ideas, which can only be accounted for by the extraordinary development of the executive power which has taken place in the silent progress of things, and to which we are become so much accustomed that we are losing sight of the simplest and most elementary principles of our Government. What is the meaning of that fundamental separation of the executive, the legislative, and the judicial powers—of what practical effect will it be—if such a system as is implied in the motion of the gentleman from New-York (Mr. Cambreleng) should be carried out in the appointment of a committee, according to the wishes of the administration—a system by which we shall be made to assume the responsibility of another department of the Government, without any of the powers essential to the performance of its duties—a system by which whatever is odious in that responsibility shall fall to our lot, without any of the honor, the influence, or the efficiency, that should accompany it? Sir, the constitution contemplates no such confusion and consequent destruction of responsibilities. We are not placed here as the associate, but the antagonist, not as copartners, but as a

*E. g. the case of the sub-treasury. The Committee of Ways and Means, appointed by the Speaker, has repeatedly reported a bill, which has as often been rejected by the House.

check and counterpoise, to the Executive. We are to watch it with a jealous eye, to call it to continual account, to inquire, to impeach, to punish it. We are the grand jury—the great inquest of the country—our business is inquisitorial. We represent, in a word, the popular jealousy of power. When, therefore, the Executive asks us to appoint a committee of this kind, our answer, if it conform to the true theory of the Government, must be, "We shall appoint one, but not for your behoof—we hold you to your whole responsibility under the constitution; if we look at all into this business, it will of course be with a view to discover and to correct your errors, and, if need be, to visit them with appropriate penalties. The very fact that it is necessary to inquire at all requires the inquisition to be severe, unsparing, and, in some sort, even hostile to you." With what sort of color, then, can you come here, and, acknowledging by the very request you make that there is occasion for the exercise of our powers as a check upon the Executive, demand, in the same breath, that we shall exercise those powers under your dictation, and through your friends, to be appointed in the usual way on party grounds.

Sir, if I stopped here, every body, I think, would agree that the argument sufficiently establishes that if there ever was a case calling for the election of a committee by the House itself, and not its appointment by the Chair—especially if it is to act on the principle, avowed by its friends here, of the right of the Government to a control of the committee—that case is the one before you. But this is by no means all. The argument I have hitherto urged would be good under any circumstances. How much more cogent is it under what no one can deny are the very extraordinary circumstances of the present case? What are these? It is now ten years since a man, represented by gentlemen themselves as laboring under the darkest imputations, and especially obnoxious to suspicion in regard to his prudence and fidelity in money matters, was appointed by the late President to one of the most important pecuniary trusts—perhaps the most important—in this country. I understood the gentleman from New-York (Mr. Cambreleng) to say that the appointment was made against the wishes of the party in power, and expressly against those of the actual President of the United States. [Mr. Cambreleng assented.] Well, sir, this man was hardly warm in office before what had been foretold occurred. He was a defaulter from the beginning, but his defalcations were, at first, comparatively inconsiderable, and such as might have escaped attention, or been plausibly accounted for. At the end of four years, defaulter as he was, he was reappointed to office—the gentleman from Maryland (Mr. Thomas) says, so much against the wishes of some of the best friends of the Executive, that they went so far

as to use their influence with the Senate to have the nomination rejected there—but of that more hereafter. After this second appointment, he still observed, at first, a certain degree of moderation, for at the end of another year he was in default *only* $50,000 or so, (I think); but now, hardened by habit, emboldened by success, counting with greater confidence upon the inveterate drowsiness of the sentinels of the Treasury, whom he had found so long "mocking their charge with snores," he plunged desperately forward in his career of fraud, and, in the course of the three last years, under the eyes of this very Secretary of the Treasury, and, for twelve months together, during which the greater part of the whole defalcation occurred—under the administration of the very President who denounced him from the first as unworthy of any confidence—achieved a peculation so magnificent as to place him by the side of the great historic plunderers of antiquity—the devastators of subjugated provinces. One fact just brought to light aggravates still more the monstrous characteristics of this case. It appears that the official bond of Swartwout, given on his second appointment in 1834, was actually not approved for three years afterwards.

Now, sir, upon this simple state of the case, I put it to your candor, I appeal to the common sense of the House, does the Secretary of the Treasury come before us, as he ought to do, with clean hands? Do not misunderstand me, sir. I do not charge Mr. Woodbury with corruption, I do not charge him with misprision of corruption by connivance at this enormous fraud. I do not speak, as yet, of impeachment—although I beg leave to say that I am quite clear there may be *misdemeanors in office* so gross as to call for the interference of this House as the impeaching power, without any proof of *corruption*. I hold it to be our undoubted right to remove a public officer, whom the President will not or cannot displace, if we can make out against him, to the satisfaction of the Senate, evidence of gross negligence, which the law likens to fraud, or of such glaring and notorious incompetence, (through drunkenness, for instance,) as makes him utterly unfit to be trusted with the interests of a great people. The sentence, in case of impeachment, need not go further than a removal from office. But of this by the way. I do not, however, charge the Secretary of the Treasury even with gross negligence. I charge him, indeed, with nothing, for that is not my object here. But I contend that he stands before us *self-accused*. I affirm, and challenge gentlemen to deny it, that he has made out a *prima facie* case against himself—that the burden of proof, by his own showing, lies upon him; that he has a presumption to repel; that he has doubts and difficulties to explain away. And now I ask the friends of that gentleman whether they think they are doing—I will not say their duty to

the House and to the country, but—justice to the Secretary himself, by the course which they are pursuing here. The gentleman from New-Hampshire, (Mr. Cushman,) for instance; did he not perceive how his declaration, the other day, that the Secretary was ready to justify himself whenever the House would consent to give him a committee of his own naming, was received by the House? that it was greeted with an involuntary burst of merriment from all sides, as if the gentleman had been indulging in a joke at the expense of his friend?

[Mr. Cushman explained. His objection had been to raising the committee by ballot. He was still opposed to raising the committee unless it could be done *viva voce* in the broad light of day, &c.]

Mr. Legaré. Still, it appears to me, with all possible deference, that he who renders his friend ridiculous, by whatever means he may do so, is not doing him any great service.

But, sir, is it fit, is it decent, that a man, who sits where so many great men have served and honored the country—the successor of Alexander Hamilton and Alexander Dallas—of Mr. Crawford and Mr. Gallatin—the head of one of the great executive Departments of this Government—a confidential adviser of the President—armed with mighty powers, clothed in imposing authority, surrounded with whatever of splendor still remains to the dignities of this country—is it fit, I say, that a *gentleman*, standing where Mr. Woodbury does, with appearances—whether by his fault or his misfortune is wholly immaterial—so much against him, should present himself, or rather suffer his friends here to present him, in the posture of a culprit at the Old Bailey, challenging jurors without cause, picking flaws in indictments, and resorting to all the little devices of a mere technical defence. Should he not rather challenge investigation—defy it—allow the House to choose time, place, manner, weapons—

[Mr. Cushman here said that he had informed the House that the Secretary did challenge investigation.]

Mr. Legaré. Well, then, sir, why should he object to our appointing a committee according to our own rules? What is it to him how our committee is appointed? Does it lie in his mouth (to use that phrase) to say that, having covered himself with a cloud of suspicion, it shall not be removed unless the committee be appointed in this or that particular way? Is it not manifestly due to his honor, no less than to the interest of the country, that the investigation should be conducted in the manner best calculated to satisfy the public, and make them acquiesce in its results whatever they may be. And now, again I ask, if ever occasion was extraordinary—if ever there was an occasion that called for the appointment of a committee by the House itself, as the great

inquest of the country, on the principles of a free, impartial, and rigid scrutiny, is not this so?

But not only is it an extraordinary occasion, for the reasons hitherto given— it is rendered still more so by the very peculiar juncture at which the inquiry is called for. We are fairly arrived at what is called a crisis in the financial affairs of this country. The public mind is as much awakened, perhaps, as it ever has been, to the importance of the great question of the day. I have always thought it a question infinitely too grave and too fundamental, as well as too full of difficulties of all sorts to be made matter of party contention and management, and that it was really an object worthy of all our attention as statesmen, to arrive at sound, scientific conclusions in regard to it. For this reason, sir, when the gentleman from New-York (Mr. Cambreleng,) omitted to state the grounds on which he called upon us to institute this inquiry, as I do not happen to be very sanguine about the results promised by others, I employed myself with imagining some more plausible pretext to indulge him in his wishes. The consideration which first presented itself and most weighed with me was precisely this: Here we are about to pass upon a system in which the safe keeping of the public money is one of the most important elements and one of the most debateable points. We differ most widely among ourselves as to its probable effects in this respect, and the whole country is, and has been for nearly two years past, deeply agitated by the same doubts. The measure, repeatedly rejected here, is again pressed upon us by the executive department for a solemn reconsideration. Just at this moment a case occurs which, whatever any of us may think of its peculiar causes and circumstances, *all* must admit to have an immediate, and, perhaps, most important bearing upon this engrossing subject. Now, sir, *I*, for one, want to see the precise features of what may possibly prove a most instructive experiment in this department of public policy. At any rate, it is very desirable that it be surveyed with all possible impartiality and from various points of view. It will not do to confide the examination of such a subject to a committee composed principally of minds *committed* to foregone conclusions or laboring under strong prepossessions; at least, as it may be difficult, in the present state of the controversy, to avoid this evil, we ought, at all events, to correct and mitigate it as much as we may, by an equal representation in it of the three classes of opinions that prevail in this House. I should not be satisfied with any report made by gentlemen who differ with me in their views, whatever might be their integrity or abilities. This is a matter which I will not consent to look at through another's prejudices.

And now, sir, I ask you, what indignity I am offering to the Chair, when I say so? And, since it is regarded by its friends as bound and determined to give us a committee of partizans, is it not reasonable that *we* should insist upon the undoubted right of the House to see that, on a subject of this peculiar character, all the parties that compose it, should be present at the examination, and report the facts according to their respective impressions!

I submit, then, that I have made out my case; that I have shown, if ever a committee ought to be appointed by the House according to its rules, this is that committee. The reasoning is entirely conclusive, I defy the gentleman from New-York to answer it. He is driven back to the darkness he seems to love—darkness of inuendo—darkness of imputation—darkness of argument.

[Mr. Cambreleng was surprised that the gentleman from South-Carolina should ask him to give reasons for that about which he (Mr. C.) felt so little care. He had stated then, as he did now, that the mode of appointing the committee was a matter of indifference to him; and it was extraordinary that, after having made this declaration, he should be asked to hunt up reasons why the Speaker should appoint it.]

Mr. Legaré. What, then, did the gentleman mean by "darkness?" Or, if he meant nothing, why not honestly say so at first?

Before I close my remarks, it is necessary that I should advert to what fell from the gentleman from Maryland, (Mr. Thomas). The House could not but be struck with the fact, to which I have more than once alluded, that, although this committee was officially asked for by the administration, through its leader upon this floor, no reason why we should comply with so extraordinary a request was so much as hinted, until a late hour of the second day of debate upon the subject. Then it was that, for the first time, this important *hiatus* in the conduct of such a cause was attempted to be supplied by the gentleman from Maryland. The high place which that gentleman occupies in his party would alone entitle his opinions and reasonings here to the greatest consideration. But there is another circumstance which still further enhances their claims upon the attention of the House. The gentleman seems to me any thing but "lavish of his presence" in debate, and I think I have generally observed that it is only where his friends are in some serious difficulty—*ubi res ad triarios rediit*—that he thinks himself called upon to expose himself in the thickest of the fight, and, dismounting from his horse, like a great captain of antiquity, to charge, sword in hand, at the head of his troops. Accordingly, his appearance in the *mêlée* on this occasion awakened in me the liveliest interest. I was curious to know how he was going to defend what ap-

peared to me the untenable position of his party, and I accordingly left my seat, and approached so near to him as not to lose any part of an argument which was the last and only hope of an otherwise derelict cause. If any thing were wanted to show how bad that cause was, it was the utter failure of so able a man in that argument. It amounted scarcely to any thing in itself, and was, besides, perfectly inconsequential in every part of it, as far as it went. The whole sum and substance of it was, that the administration, being responsible for the recovery of the money, or for catching the defaulter,* had a right to control the committee to be appointed for that purpose.

[Mr. Thomas explained. He had not said the administration, he had said the friends of the administration on this floor.]

Mr. Legaré. I never heard the distinction made before, and do not even now perceive its importance. At any rate, it can have no sort of effect on the argument, as I shall show.

Now, sir, let us analyze this argument. And, in the first place, it is obvious to object that it is wholly inapplicable to the subject before the House. In the resolution on your table there is not one word relating to the recovery of the money. We are called upon to inquire into the causes which led to the loss of it—a very interesting inquiry, no doubt—with a view to our future policy, as well as to the past conduct of the Treasury Department: but why it should result in restoring what has been lost, or why it should be conducted only by those most interested in restoring it, or what it has to do with restoring it at all, it is difficult to conceive.

But, if the recovery of this money is the only, or even the principal object, why trouble us with this investigation? Why have a committee of this House to do, what, after all, it could not possibly do well? Where are all the ordinary instruments of executive power—its law officers of various classes: its courts with their process; its judges, counsel, sheriffs, bailiffs? Surely a court of chancery, with its bills of discovery and relief, its searching interrogatories and oaths of parties, can do more to detect and defeat fraud than any committee of this House, albeit authorized to send for persons and papers, in a few weeks of investigation. It does appear to me that nothing ever was more nugatory than this whole proceeding, considered in the light in which the gentleman seems exclusively to view it.

Then, sir, as to the argument that, because the friends of the

* As to Mr. Swartwout himself, he is, of course, out of our reach. Like the classic plunderer in Juvenal's lines—

Damnatus inani
Judicio, (quid enim salvis infamia nummis)
Exul ab octava Marius bibit et fruitur Dis
Iratis—at tu victrix provincia ploras.

administration are more interested in the recovery of the money than the rest of us, we should commit the management of this inquiry to them; it is, in the first place, founded upon a gratuitous assumption, and is, moreover, a most illogical conclusion, even from a false premise. I deny that any party in this House is really more interested than another in restoring so considerable a sum to the common treasury of the country. I am sure it would be a boon for which both Charleston and Pensacola would be most grateful to you, if it were laid out in those places upon the establishments we were speaking of a few days ago. But, even conceding what is thus taken for granted, the reasoning of the gentleman from Maryland is surely most extraordinary. Says the gentleman, the friends of the administration in this House should be employed in recovering the money. Why? Because the administration lost it. This House, by its committee, is to recover what was lost through the carelessness or unskilfulness of the head of the Treasury; and that, it seems, is to exonerate that officer from every imputation of neglect of duty! Was there ever a stranger confusion of ideas? Why, what sort of connection is there between the recovery of the money by the Legislature and the loss of it by the Executive; and how are the merits of our committee to be imputed, by this most anomalous relation *back*, to him, who, for the purposes of this argument, must be presumed to have incurred a just censure, for a most culpable remissness or incapacity? And, above all, what satisfaction would it be to the country, justly alarmed at peculations and abuses so unprecedented and enormous, naturally expecting of this House that it should take measures at once to visit with its vindictive justice those who have been, directly or indirectly, engaged in them, and to prevent, as far as possible, the recurrence of them in future—what satisfaction would it be to the American people to hear that, having recovered their property, we had agreed to stop the prosecution, and hush up the whole matter? And is this the only argument which the friends of the administration have to urge why they should have the control, through the Speaker's appointment, of this extraordinary inquiry? Even so, sir.

But the gentleman from Maryland, (Mr. Thomas,) apologizing for "the pressure" under which he was obliged to speak, added a few observations to those which I have just examined. By his first argument he admitted that the "friends of the administration" were responsible for the safe keeping of the money; and it was because they were so responsible that he thought them entitled to a majority in the committee. As the "friends of the administration," however, could only be responsible through the administration itself, to which the custody of the money was exclusively confided, the gentleman, very naturally, went into an-

other argument, to show that the Executive was not, in fact, to be blamed for the offences of Swartwout. How these two positions are to be reconciled, or whether they can be reconciled at all, is no business of mine; certain it is, however, that the gentleman from Maryland thought it perfectly consistent in himself, first to claim a privilege for the friends of the administration on the ground of their being answerable for the consequences of this embezzlement, and then to deny that any blame whatever attached, or could attach, to the administration itself, for the impunity with which these peculations were carried on for years together? And why? Because, forsooth, many whigs and many conservatives thought the man innocent, until he was found to be guilty: and it could even be proved, by credible witnesses, that he had presided over some public meetings held by citizens of New-York, belonging to one or other of those parties! Why, sir, this is really too much. A public officer, repeatedly appointed to one of the most important trusts in the country, and acquitting himself of its duties, as the public were led to believe, by his continuance in office, with perfect fidelity, is treated by the community in which he lives with the respect due to his high station; and this makes them as much responsible for what he does as the Government, whose confidence in him it was that enabled him to deceive that community. The merchants of New-York, who had nothing to do with his accounts, who had no means of knowing what was his official conduct, who took it for granted, good easy men, that the agents of the people here at Washington, when they told them all was well, knew what they said to be true, as they were bound to know it, believed Swartwout no defaulter. And, therefore, it is not for them, nor for us, now to ask those very agents why they made or countenanced these false reports, by which we have all been misled so much to our cost! The gentleman went on to adduce other proofs of the high credit which Swartwout enjoyed, and then, suddenly taking a turn in his argument, stated, by way of exculpating the administration, that many of its friends used their influence with the Senate, when the second appointment of this man was under consideration in 1834, to have him rejected. The present President of the United States is expressly named among those who endeavored to prevent the confirmation of this unfortunate choice. Sir, I wish to say nothing unnecessarily unkind of that heroic old man, now retired forever from the stage of public life. He certainly erred in making this nomination; but why did not his friends go to him with their objections to it, instead of whispering suspicions into the ears of the Senate? The difference between the power that appoints and the power that confirms or rejects, is that the action of the former is perfectly untrammelled, whereas it is incumbent upon the latter to show some reason for

its dissent. Had the Senate rejected Swartwout upon vague rumors, who doubts but their conduct, especially at that particular juncture, would have been denounced as factious and arbitrary? That the friends of the administration, therefore, endeavored to prevent the confirming of a nomination, of which they seem to have taken no measures to prevent the making, no more exonerates them from all responsibility for it than it proves that the Senate were as much to blame for it as the Executive. But, if this whole argument fails to prove what the gentleman desires to make out, there is at least one purpose which it does very effectually answer. It shows that every possible circumstance combined to point Swartwout out to his official superiors as an object of most vigilant *suspicion;* it shows conclusively that they cannot plead surprise or ignorance; it still further inflames all the presumptions arising out of the other circumstances of the case, and justifies this House, triumphantly, in its visible determination to give to this whole subject a most severe and searching examination, through a committee of its own choosing.

One word, sir, as to the proposal to vote *viva voce.* I understand gentlemen to insist upon this deviation from the express rules of the House, on grounds most offensive to its dignity. They treat us as if, instead of an assembly of *gentlemen*, representatives of a great nation, we were a gang of crouching slaves, urged to the performance of our duties only by the lash, and skulking, whenever we find an opportunity, from the eye of our masters. Sir, there *was* a time when such insinuations, now become so familiar to us as to be mere words of course, would have kindled a flame of generous indignation in the bosoms of parties in this House. That day, I am sorry to say, seems to be past forever, and I suppose the proudest of us must submit, with what grace we may, to our destiny. Some of us, at least, have nothing to fear—the gentleman from New-York, (Mr. Cambreleng,) for instance, and myself.

> "Duncan is in his grave;
> After life's fitful fever, he sleeps well."

I can feel, personally, no interest at all in the matter; but, having no experience in the vote *viva voce*, I fear it would be found inconvenient in such an election as this. However, if we *must* comply with the condition of publicity on the grounds upon which it is exacted—if we *must* submit to such *humiliating* terms, let every member write his name upon the ballot he gives. Would not that answer the purpose?

Before I take my seat, sir, I cannot refuse myself the privilege of saying a few words in reference to the observations that fell from my colleague, (Mr. Pickens,) who happens now to be near

me. Sir, I listened to him with an interest which I am unable to express; and, when he avowed his belief that the honour of the country called for this enquiry, and his readiness to go into it in the manner best fitted to accomplish its objects, I felt my bosom awakened as with the sound of a trumpet. I heard once more the voice of South-Carolina as she was of yore. I rejoiced with a patriotic cry—I exulted with an honest haughtiness at the thought that she was restored to her old and her true place here. For, sir, without meaning to intimate in the most distant manner any thing offensive or unkind to my colleague, he will permit me to confess that I had looked with a painfully anxious interest to the course which he and his friends were going to pursue in this matter—not that I distrusted their honor and integrity, but I did not know how far the fatal sophistry of party had triumphed over their naturally clear heads and elevated characters—that sophistry which is rooting itself so deeply in our political practice, and perverting so fearfully the opinions of the wisest and best among us, as to threaten nothing less than an entire revolution in the genius and character of our institutions. Sir, my colleague has spoken without reserve on this subject—he scruples not to declare that there has been foul corruption in the conduct of our affairs. I do not go so far—probably because I know less of these things than he does. But I do say that these strange portents and prodigies of fraud—these spectral terrors of official profligacy, almost unheard of in our previous history, but which have so often of late "visited the glimpses of the moon," make me fear that "something is rotten in the state of Denmark." It is time, sir, that we should all be roused up; and most heartily do I felicitate the country on the prospect that the South, at this important juncture, will be brought back to her proper position in our federal politics. That position is necessarily defensive and conservative. We have nothing to desire or to hope from innovation or abuse of any kind. Our only salvation is in the constitution as it was formed by our fathers, honestly carried out in all its principles, and in its true spirit. The sceptre is departed from us. The axes and fasces. consulships and dictatorships, are not for us None of us, it is probable, will ever more lead the pomp of the triumph up the steep of this Capitol. But we have still our power and our mission, and if we execute them with courage and constancy, we shall entitle ourselves to the gratitude of the country and of posterity. We have the Tribunitian veto to restrain Power. We have the Censorial authority to rebuke and to chastise Corruption. Standing, as we ought, aloof from the perverse influences of ambition, it should be our aim, as it is undoubtedly within our power, to maintain that high public morality which is worth

more than all constitutions, and without which all constitutions, be they what they may, are a mere mockery. No language can characterize the baseness and folly of the Southern man who would sacrifice the independence, the elevation, and the controlling advantages of such a position to the slavish discipline and low ends of faction. I repeat it. I rejoice, from the bottom of my heart, in the hope that my colleague and his friends are still ready to lay bare their right arms in defence of the good cause; and never, let me assure them, never was a prouder post assigned to brave men in a mighty battle than will be theirs, if they but will it so.

ARBITREMENT OF NATIONAL DISPUTES.

JUNE 13, 1838.—READ, AND LAID UPON THE TABLE.

Mr. Legaré, from the Committee on Foreign Affairs, made the following

REPORT:

The Committee on Foreign Affairs, to whom was referred the memorial of the New-York Peace Society, and other individuals friendly to the peace cause, report as follows:

THE prayer of the memorialists is two-fold. They desire, in the first place, that our differences with Mexico should be referred to the arbitration of a third Power. The House is already informed that, to this extent, their petition has been answered and fulfilled by the Executive—our claims upon that Government having, at the instance of the latter, been submitted to an umpire of its own choosing. So far, therefore, as the object of the memorialists was to bring about this practical result in a public interest of great importance and pressing exigency, it has been accomplished, no doubt, to their entire satisfaction.

But they do not stop here. They proceed to recommend to Congress that it "adopt the principle of reference to a third Power of such international disputes as cannot be amicably adjusted by the parties themselves, as an invariable rule of action, instead of an occasional one." And they further pray that, "in pursuance of this principle, a proposal be sent forth by this Government to those of other nations, that they would unite with it in the establishment of a great international *board of arbitration*, or a *congress of nations*, to which to refer international disputes; and also for the purpose of digesting and preparing *a regular code of international law*, obligatory on such nations as may afterwards adopt it." They think that this board of arbitrators should be composed of delegates from various nations, and that to this board should be confided the forming a code of international law.

It is proper to observe, however, that they do not propose that this code "shall be binding upon any nations which may not willingly adopt it, after its enactment by the tribunal:" nor do they propose that that tribunal be clothed with power to *enforce* its decisions, but that it shall rely for its efficiency solely on the

impartiality and correctness of those decisions, and the honor and justice of the parties concerned.

The petitioners conclude by expressing a desire that this country should not only combine with others in what they characterize as "the great and glorious scheme under consideration," but that they "should lead the way, by sending forth the proposal for a congress of nations" to the various Governments of the civilized world.

The Committee have been earnestly pressed to take this latter prayer of the petitioners into consideration, and to make a direct, full, and solemn report both upon its principles and its practicability. It is in compliance with a desire thus entertained in many respectable quarters, that they have the honor of submitting to the House the following reflections:

The Committee need scarcely say that they fully appreciate and sympathize with the philanthropic feelings and purposes expressed in the memorial. They agree that the union of all nations, in a state of peace, under the restraints and the protection of law, is the ideal perfection of civil society. Not, however, that they would be understood as affirming that war has always, in the history of mankind, been an unmixed or uncompensated evil. They do not think so. To say nothing of the heroic virtues which are formed under its stern discipline, and exercised by its trials and perils, war has, in fact, been often, both in ancient and in modern times, a mighty and even a necessary instrument of civilization. It is sufficient, in this connection, barely to mention the names of Alexander and Charlemagne. But the committee also think that those times are gone by. Far other agents of amelioration and progress are at work now—agents infinitely more powerful in their quiet and silent, but incessant operation, and whose efficacy would be greatly impaired by war, did they not tend, more than any thing else, to supersede and put an end to it. The age is reproached with being a mechanical and ignoble one—with its sordid love of gain, its plodding devotion to business, and its preference of physical comforts and personal accommodation, to objects that elevate the imagination and refine the taste in art and literature. This reproach is, no doubt, to a certain degree, well founded; but we must not forget that we do not forego (as far as we do) the advantages referred to, without a real, and, in the eye of sober reason, an abundantly adequate compensation. It is true that the most peculiar characteristic of the civilization of these times is a demand, becoming universal among all classes of society, for the various physical comforts, of which commerce is the inexhaustible source. But it is this very peculiarity that opens an entirely new prospect to the human race, and makes the present moment an epoch in its history. This commercial or economical civilization, if we may

call it so, is reconstructing society on the broadest and most solid basis. It is essentially democratic in its character and tendencies. It pursues steadily, and achieves, with more and more success every day, the greatest good of the greatest number. It is every where increasing population, and adding immensely to the fund that employs and rewards labor. In spite of many disturbing causes, which will disappear in the progress of things, it is elevating the poor in the social scale, providing for them better food, raiment, and lodging, as well as means of a suitable moral and intellectual education. It is bringing the most distant families of mankind, as it were, into contact with one another, and effacing all the sharp and salient peculiarities of national character that now estrange them from each other. It is revealing the great cardinal truth of free trade, so pregnant with moral as well as political results—that "self-love and social are the same;" that every country is interested in the prosperity of every other; that production can never be excessive, because, where exchanges are untrammelled, it produces its own consumption; that nothing, in short, can be more shallow in science, as well as sordid and narrow in spirit, than a restrictive policy founded upon the idea that a nation can only enrich itself at the expense of its neighbours, or has any thing to gain in the long run, from their losses. When we reflect that, during the whole of the last century, and for a considerable period before, the far greater part of the blood and treasure so prodigally lavished in almost incessant war, was a sacrifice, directly or indirectly, to fallacious views of commercial monopoly and colonial dominion considered as instrumental to that monopoly, we shall fully appreciate the importance of this simple truth, once become, as it will infallibly become, a settled maxim of national policy. With notions of economy and personal comfort, such as are made the reproach of the times, mankind are not likely much longer to acquiesce in the wanton and profligate waste of their resources, of the means of so much private and public prosperity, in contests which—to say nothing of the unspeakable evils that accompany them—cannot possibly result in any adequate advantages to either party. Their reluctance to take up arms will be increased by a regard not only to their own interests directly, but to that of their adversaries, which is in effect the same thing; to make war upon their customers in trade will be felt to be a mischievous and suicidal insanity. This motive is, perhaps, not a romantic one, but it is not the less powerful for addressing itself less to sentiment and the imagination than to the habitual selfishness of human nature. It is thus that physical causes are producing moral effects of the greatest importance, and that political economy becomes the most effective auxiliary of Christianity. We already see, in a manner not to be mistaken, the

influence of such ideas in the contemporary history of Europe, although they are just beginning to take hold of the public mind, and there are so many obstacles to their progress in the actual state of things there. It is scarcely possible to imagine a greater revolution of opinion, in the same time, than has occurred since the peace of 1815. A single generation is not yet passed away since the downfall of Napoleon, and his military despotism begins already to strike the minds of men as a barbarous anomaly in such an age. Since the last French revolution, causes of controversy, without number, sufficient to have produced desolating wars at any previous epoch, have arisen and passed away without occasioning one, except the disputed succession in Spain—an exception that proves the rule. Much is due, no doubt, to the personal character and enlightened views of those whose position enabled them to control that great event; but, let it be remembered that that character and those views were themselves the work of the age they would reflect so faithfully.

The committee will add that there is another point of view in which every thing that tends to preserve the peace of nations will, ere long, come to be universally regarded as peculiarly interesting to mankind: they allude to its effect in promoting the great cause of limited or constitutional government. War has ever been the most fruitful source of arbitrary power. They are, indeed, to a certain extent, inseparable. A military is, necessarily in spirit and effect, a despotic, and must generally be a monarchical organization. Not only so, but the evil tends to propagate and to perpetuate itself. One great power arming for conquest compels all neighboring powers to arm for defence; and it is not a vain or fanciful saying, that laws are silent amidst the din of arms. The instinct of self-preservation is at least as strong in nations as in individuals. They ever have been, and ever will be, ready to sacrifice, without scruple, their dearest rights and liberties in order to maintain their national independence. The yoke of the foreigner is so galling and degrading that there is no other which mankind are not willing to bear in order to avoid it. "The salvation of the people," (*salus populi*,) at whatever cost or risk, must and will be the supreme law, under every form of government. The dictators of republican Rome, the terrible despotism of the executive committees of the French convention, are only instances of a universal law of society and of human nature under such circumstances. Hence the impossibility, for the present at least, of maintaining such institutions as ours on the continent of Europe.

Mirabeau imbodied the whole philosophy of the subject in his well-known apophthegm that France was "geographically monarchical." The federal relations of Europe (for Europe *is*, in fact, a confederacy) admit, in ***strict theory***, of no arbiter but the sword

and the independence of most of the powers has been preserved—as far as it has been preserved at all—at the cost of popular liberty. That happy compromise, by which the wisdom of our fathers—availing itself, it is true, of such circumstances as have never occurred elsewhere—has reconciled, on this continent, the sovereignty of the States with the rights of individuals under a peaceful, judicial administration of the law, is still, and is likely long to continue, a *desideratum* there. But the spirit of the age is gradually becoming more favorable to such institutions, just in proportion as it is becoming less disposed to war. Peace is the hope of liberty—peace, consecrated as the standing, fundamental policy of the world. Such a state of opinion, or such a condition of things as will dispense with large armies and military discipline, with a power, in effect dictatorial, in the executive department of governments, and with the ambition, the glory, and the fatal popularity and influence of successful generals; such a perpetual and perfect intercourse, commercial and otherwise, among men as will mitigate extremely, if not extinguish, all mutual jealousy and hostility between nations destined, under the blessed influences of Christian civilization, to form but one great family, and will thus deprive politicians of the occasion of turning the wildest phrensy and worst calamities of mankind into a means of sanctifying the abuses of government—will inevitably lead, in this age, to the general establishment of representative institutions. All the tendencies of commerce and industry are to social equality; peace will add to that equality rational liberty under a government of laws; and both will tend to perpetuate, by a mutual reaction, the causes that produced them.

Concurring thus fully in the benevolent objects of the memorialists, and believing that there is a visible tendency in the spirit and institutions of the age towards the practical accomplishment of it at some future period, the committee regret to have to say that they have not the same confidence in the *means* recommended in the petition. They are of opinion that reforms so fundamental can only be brought about by the gradual progress of civilization, and in consequence of a real change in the condition of society. They must follow events, and conform to them; they cannot, by any contrivance of man, be made to precede and control them. All attempts, in such matters, except by bloody revolutions or conquests, to anticipate the natural course of things, are entirely unavailing.

The scheme of the memorialists is, as we have seen, to refer all international disputes to a congress of deputies, and to authorize that congress to digest a code of public law that shall be binding only on such powers as should voluntarily adopt it.

The first objection to this plan lies upon the surface, and is

entirely fatal. The unanimous consent of nations, in the actual state of the world, to such a proposal, is—as any one will be convinced who reflects a moment upon their political relations, or will but cast his eye over a map of Europe—entirely out of the question; and the refusal of a single great power to acquiesce in it would alone render it abortive. This is not matter of speculation; it is what has actually occurred in one of the most important departments of international law. The House is aware that Great-Britain maintains doctrines in reference to the maritime rights of belligerents, which were formally disavowed and denounced, during the war of our Revolution, by almost all the leading powers of Europe, banded together to resist the enforcement of them in practice. On some of the points involved in the declaration of the armed neutrality, our own prize courts have followed, perhaps too implicitly, those of England; but on others—for example, the rule, as it is called, of '56—they have adhered to the law, as explained by that famous league. And yet, against the concurring opinions of all the rest of the civilized world, and in spite of the bloody wars to which the exercise of her pretended rights have led, and may yet lead, Great-Britain maintains her principles, irreconcileable as they are with the practice of nations in analogous cases on land, and indeed with all modern ideas of civilized warfare; and even interposes her overruling influence to prevent any of the minor states of Europe from adopting, for their own convenience, provisions inconsistent with those principles, in treaties professedly confined to the parties making them. What declaration of a congress constituted as the one in question would be, can be expected to have, by the mere weight of its authority, more effect on the opinions and the conduct of mankind, than that of such a formidable coalition as the armed neutrality?

Had England not engrossed the empire of the seas for about a century past, it is scarcely possible to doubt but that the law of maritime captures would have been made to correspond more strictly with the analogies of war on land, and private property been held as sacred in the one case as in the other. It is worthy of notice that, at the congress of Utrecht, before her ascendant was established, that power was an advocate of the rights of neutrals. She is now their worst enemy; and her resistance presents an obstacle, for the present at least, quite insuperable to any reform in this particular; just as the refusal of either France, or Austria, or Russia, &c., would be fatal to the project of the memorialists. Such is the preponderance of these powers in the balance of Europe, so peculiar and so various their interests, so many changes will be necessary in most of them to bring their institutions into harmony with the levelling spirit of the age, and so to make it all safe for them to submit to any arbiter but force,

that it were chimerical to expect their co-operation in any plan to dispense with it altogether. When Henry IV. conceived *his* project of perpetual peace, he did not look for the countenance or consent of the then predominant house of Austria. On the contrary, his first object was to overcome the resistance which he expected from that quarter. His grand scheme of pacification was founded on as vast a one of preparatory war and revolution. That house was to be reduced; its power broken; its territories partitioned. This was evidently an indispensable prerequisite, and his was too practical a mind not to perceive it. The committee will add here, what will be found to illustrate another proposition advanced in this report, that his project assumed a still more important alteration in the interests and relations of mankind. It reconstituted Europe on an entirely new basis. He would have built up a balance of power on something like an equality of territory. He would have dealt with that continent as an ancient lawgiver—a Moses or Lycurgus—would have dealt with the soil of a particular country, distributing it on agrarian principles, in order that his new constitution of society should have something solid to rest upon in the nature of things. In this respect, too, as the committee will presently endeavor to show, he evinced a practical wisdom far above such a dream as that of a revolution in the whole conduct of nations, to be effected by a mere declaration of abstract principles on paper or parchment.

And this leads to the second objection, which is that, even if the consent of all the great powers (supposing their present relations towards one another to remain precisely as they are) could be obtained to such an experiment, there seems to your committee to be no reason for anticipating any good result from either of the expedients recommended by the memorialists.

First: with regard to a code of international law. Nothing, in the opinion of your committee, is more fallacious than the idea that mere positive legislation, when not preceded or accompanied by conquest or revolution, has ever had a very important agency in human affairs. This proposition, they are aware, may seem paradoxical at a period when so much is said about written codes and constitutions; but it is fully established by experience, even were it not, as it is, sufficiently clear *a priori*. The most renowned systems of legislation have been the slow work of time, modified in some degree, and improved by an enlightened, experimental wisdom, taking advantage of circumstances, rather than aspiring to control them. Even when reduced to the form of codes, they have done a little more, when they have done any good at all, than record with precision and clothe in solemn form the opinions, usages, and manners of a people, with such limited modifications of them as have been just alluded to.

The committee will not trouble the House with the elaborate development to which the importance of this great and fundamental truth would, on a proper occasion, so fully entitle it; nor by citing examples which it would be easy to multiply, to confirm and illustrate it. But there is one of these too often mentioned to be overlooked, too striking to be slighted, and yet in general so little understood as to require a statement of the precise truth in regard to it; they mean the Justinian collection, which is habitually cited as an instance of written law, properly so called, that is, of law arbitrarily prescribed by the supreme power in the state; yet every civilian knows that the great bulk and body of the *corpus juris civilis* is strictly *common law*, the law, namely, of opinion, of interpretation, and of practice. The Pandects are, from beginning to end, nothing but a repository of the wisdom of the great jurisconsults of a better age, delivered to the public in the shape of treatises, institutes, and maxims, or in that of consultations or opinions solving questions of practical jurisprudence.

But if this be true even of the law of property and contract, (*meum* and *tuum*,) it is obviously still more applicable to public law, in both its great branches, the constitutional and the international, but especially the latter. As to constitutions, the experience of the last half century supersedes the necessity of saying a word about their total inefficacy where a people is not ripe for them; or, in other words, where they are arbitrarily made for a people. Such an instrument is a mere deception, not worth the parchment on which it is engrossed. None but the most visionary minds can now have any faith in the mysteries—once held in such reverence—of written forms. Our own government has been absurdly cited as an example of the kind. It is, as the House is aware, a remarkable instance of the very reverse. Its two prominent characteristics, its two vital principles as a Federal republic—the popular representation in one branch of the Legislature, the equality of voices in the other—are founded on *facts*, of which the existence is quite independent of all constitutions, and which may be considered as primordial in this country. The States were as free, even as republican, before the Revolution, as they are now; they were, at the same time, independent communities, connected, indeed, by many ties, especially by geographical position and by their common relation to the mother country, but still distinct and independent of each other. It might have been predicted with confidence that no government could be formed which should not reconcile, as far as possible, both these facts. Washington, for example, as is very apparent from his correspondence, as well as from his conduct, had, with that sound good sense, and large, comprehensive, and practical wisdom so characteristic of him, a clear perception of this truth.

The form of the legislative assembly, composed of two Houses, was the established one of the country—a part of its common law and hereditary liberties, and those of the whole English race: but *how* were those Houses to be constituted? Here was a new question, and the only new question; and yet the solution of it, in the very manner in which it was solved, was inevitable. No one can imagine that on any merely theoretical principles the State of Virginia could have been brought then, or the State of New-York could be brought now, for the first time, to consent that her immense numerical superiority should be neutralized in the equal vote of the Senate. So far, however, from being the strange anomaly which a foreigner might imagine it, it is the most natural thing in the world; so far from being an arbitrary institution, it is, so to express it, a corollary flowing out of our whole history; instead of being the creature of the constitution, it was its necessary, indispensable condition. Nor is it merely because it is recognized in that constitution, and clothed by it with a peculiar sanctity, that it maintains its place there; it rests on more solid ground—on public opinion. The spirit which produced it is still in all its pristine vigor; the fact of which it was the expression still exists; the States, one and all of them, have a deep interest in maintaining their independence as States, and would unite in resisting a change which would arm the strong against the weak, to the common ruin. The Senate is thus fully a counterpoise to the other House; because, like that House it is the sign of a living power—the representative of an actual interest: because, like it, it is founded upon a state of opinion, and of things which cannot be changed without war—to maintain which men would be willing to lay down their lives, and to sacrifice even the government itself. It is this that gives to the Senate of the United States more weight and efficiency than belong to any similar body—any House of Lords, or Chamber of Peers—in the world. But this unquestionable truth at the same time sufficiently evinces that of all chimeras it is the wildest to expect to see similar institutions established, to any practical good purpose, in countries where there are *no facts* that answer to them.

But if codes of municipal and constitutional law, to be effective, must mainly form themselves in the silent progress of events, we find in international law a body of jurisprudence which is, and of necessity must be, exclusively the growth of opinion. There is here no legislative power, no common arbiter, nothing but an occasional convention or established usage to give sanction to its precepts. And yet whoever, fresh from the history of mankind in more remote ages, shall open the great work of Grotius, will be struck with the immense progress of society, revealed in every page of it. This justly celebrated, and still,

in its kind, unrivalled collection of the maxims of international justice, standing, as it does, on the very threshold of what is properly called modern history, ought to be considered, perhaps, as the grandest monument which human hands have yet erected to the influence of Christianity. Before the sixteenth century, the conventional law of nations hardly deserves notice; treaties are but few and meagre: but Europe was a family of nations bound together in the unity of a common faith and the law of enlightened reason and of good will among men, proclaimed from the pulpit and at the altar, established itself, gradually and by tacit consent, in the practice of mankind. It is thus that most of the usages which give such a hideous and barbarous aspect to war, even in the most civilized periods of antiquity, have been effaced. Certainly some additional reforms might be made in international law, as, for example, in the matter of maritime captures, to which allusion has already been had. These reforms, to the honor of our country be it said, have been incessantly aimed at and perseveringly pursued, in her negotiations, from the very first into which she entered as an independent nation down to the present time. Your committee trust that no administration will ever lose sight of them; they are confident of ultimate success; they have unlimited faith in the truth, justice, and wisdom of the maxims involved in those reforms; but it is only from the gradual progress of social improvement that such a consummation is to be hoped for. It is not a code or collection of these maxims that is wanted: it is the power to enforce or the spirit to practice them, which no code can give.

With regard to the proposed international board of arbitration, the objections of the committee are still stronger. A code, digested and promulged as the memorialists desire, would do no good, but it could scarcely do any harm. Not so with a tribunal of any sort. The probability, to be sure, is, that the decrees of such a one as is here contemplated, would be merely nugatory; but, if it had any influence at all, it might, in the actual relations of the great powers, easily be perverted to the worst ends. It might be made especially to impede the progress of the very improvements it would have been instituted to promote, and, instead of disarming the mighty, become in their hands an engine of usurpation and tyranny. He is but superficially versed in the history of nations who does not know that some of the greatest revolutions in society have been brought about through the instrumentality of judicial tribunals. The committee will cite but one example: they refer to the gradual subversion of the feudal confederacy of France, by the crown exercising, as it did, a paramount influence over a nominal court of peers. The authority of law, once established and acknowledged among men, is second only to that of religion. Judges do much more

than pronounce and enforce judgment in particular cases; they shape the opinions of mankind in analogous ones; and those opinions, as we have seen, are the basis of government and legislation.

It will immediately occur to the House that the only republic in the world should be very careful not to commit its destinies, in any serious degree, to institutions which might and would be controlled by influences hostile to its principles; and the more especially, as the natural tendency of things is more favorable to those principles than any *policy* shaped or controlled by the existing governments of Europe can possibly be expected to prove. In the nature of things, every organ, however constituted, of such governments, must speak the language of what is called "resistance" to the spirit of the age; and if any thing could enable them to resist that spirit, it would be a permanent congress of Laybach or Verona, laying down the law of war and peace for all nations. This was, indeed, the very scheme of the holy alliance to which this country was formally invited to accede.

The example of the Amphictyonic Council of Greece, which has been cited with confidence by the petitioners, is, in the opinion of the committee, as unfavorable to their purpose as any that could be selected from the records of the past. Without going into a critical examination of its history, for which this is not a suitable occasion, it is sufficient to refer to indisputable general results, to what every one who will cast his eye, however, carelessly, over the annals of those commonwealths will at once perceive—that it had no effect whatever in healing their fatal dissensions; that so long as there was any thing like a balance of power among the principal states, they continued to make war upon each other, without the least regard to the imaginary jurisdiction of that assembly; that, although by its constitution, the twelve peoples composing it had each an equal voice in it, whatever might be their inequality of weight and importance, yet its decisions were continually and openly swayed by the influence of the power or powers in the ascendant for the time being; and finally, that it was by availing himself of his absolute control over it, and by taking advantage of a favorable juncture in affairs, brought about by its policy, that Philip of Macedon found a plausible pretext, and a show of legitimate authority, to sanctify the machinations which he had been long contriving, and the war which he ultimately waged with success against the liberties of Greece.

Every other mere confederation, both in ancient and modern times, except under circumstances so peculiar as to make them unfit to be considered as precedents, has been attended with the same results. Either the leading members of them, at the head of standing, systematic parties, have been at perpetual war with

each other, or the overruling ascendant of some one of them has enabled it to invade the rights of all the rest, in every form of violence and artifice. The late German empire, for example, affords us instances of both these tendencies. Some of the longest and most desolating wars that have scourged Europe have grown out of the conflicting interests of the members of that league of peace, and had for their avowed object the adjustment of those interests according to the true theory of its public law. This was as much the case after as before the treaty of Westphalia, although one capital object of that memorable negotiation was to reform the constitution or the administration of the Imperial Chamber and the Aulic Council—in which jurisdiction in federal and feudal causes had been vested, without any effect, however, in deciding them to the satisfaction of the weaker party. Neither ought it to be forgotten that by that treaty a majority of suffrages in the diet was no longer to give the law in any matters that related to religion, or in which the two great parties as such, should vote differently, or, in general, in any case, wherein all the states could not be considered as forming a single consolidated nation. In all such cases the questions submitted to them were to be treated as those arising between foreign nations, and to be arranged by compromise, with no appeal but to the sword. So difficult is it to accomplish what the memorialists propose—the peaceful decision of controversies between states whose interests are materially different—that even where tribunals have been instituted for that purpose, the abuses to which they have been made to lend their authority have seldom failed, in the end, to aggravate and multiply the very evils they were intended to prevent. Experience shows, that of all wars, the most obstinate and terrible are those which grow out of such abuses. They partake of the nature of revolution and civil war, the color of authority on the one side, the sense of injustice on the other, inflame the usual bitterness of hostility; and battles are more sanguinary and victory less merciful where the contest is waged by parties standing towards each other in the supposed relation of rebel and tyrant. Such institutions, therefore, unless where the circumstances of a country are very peculiar, have inevitably one of two effects: they either strengthen the hands of the oppressor, or they lead to dreadful and desolating wars to overthrow him; sometimes, as in the case of the Germanic empire and the house of Austria, in the seventeenth century, to both.

Upon the whole, your committee are of opinion that time is the best reformer in such things, and that any attempt to anticipate the natural progress of events, by institutions arbitrarily adopted, would either be vain or something worse than vain. They have endeavored to show that the cause of peace is visibly

gaining ground; that mankind are already become, and will daily become more and more disposed to sacrifice their comforts and their business to the ambition of Governments; nay, that Governments themselves, partaking of the spirit of the times, or dreading its effects, avoid, as much as possible, those ruinous contests by which nations are rendered discontented, and rulers more dependent on them, just when suffering and poverty most dispose them to revolt. Instead of congresses to put an end to war, generally on the foot of the *status quo ante bellum*, there are congresses to prevent a rupture, and piles of protocols attest that power, as was said of the Spartans after a memorable defeat, has lost much of its insolent and peremptory brevity of speech. The truth is that every war, hereafter, will, by the social disorders that are likely to accompany or to follow such an event, throw additional obstacles in the way of future ones. The sword will thus prove the best guaranty of peace.

Your Committee, therefore, do not think the establishment of a permanent international tribunal, under the present circumstances of the world, at all desirable; but they heartily concur with the memorialists in recommending a reference to a third power of all such controversies as can safely be confided to any tribunal unknown to the constitution of our own country. Such a practice will be followed by other powers, already inclined, as we have seen, to avoid war, and will soon grow up into the customary law of civilized nations. They conclude, therefore, by recommending to the memorialists to persevere in exerting whatever influence they may possess over public opinion, to dispose it habitually to the accommodation of national differences without bloodshed; and to the House the adoption of the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject referred to them.

CONSTITUTIONAL HISTORY OF GREECE.

1. The Historical Antiquities of the Greeks, with reference to their political institutions. By WILLIAM WACHSMUTH, Professor of History in the University of Leipzig. Translated from the German, by EDMUND WOOLRYCH, Esq. *Oxford.* 1837. *D. A. Talboys.*
2. A Manual of the Political Antiquities of Greece, historically considered; from the German of CHARLES FREDERICK HERMANN, Professor of the University of Heidelberg. *Oxford.* 1836. *D. A. Talboys.*

THE remarks which we had occasion to make in a recent paper,* on the great superiority, over all others, of the German philologists of the present day, especially in matters of historical criticism, are most strikingly exemplified in the two works at the head of this article. We take it upon us to assure such of our readers as have a taste for this department of study, that they will be amply repaid for any pains they may be put to in possessing themselves of their contents. The translation of them into English is but one more proof of the homage now universally done to those great masters of an erudition almost without bounds, informed and elevated by the spirit of a philosophy every way worthy of it. These are acquisitions to our language that deserve, in point of usefulness, to be placed by the side of the versions of Böckh's "Public Economy of Athens," and of Müller's "Dorians," both of which have been given to the English world within the last ten or twelve years. The works under review are, indeed, a necessary supplement to those admirable disquisitions, and can be studied with perfect advantage only in connection with them. We do not think we hazard much in saying, that whoever is not thoroughly familiar with Böckh's masterly view (so far as it goes) of the principles of Athenian government and administration, has yet to learn his elements as a student of history in one of its most interesting branches. It is a work deserving, in our opinion, to be adopted as a text-book in our public schools and colleges, instead of those handed down from an age far less accurately informed in such

* On the Origin, History, and Influence of Roman Legislation. New-York Review, No. 10.

things than the present. Müller's Dorians, though entitled to high praise, is not, certainly, a monument of such patient and profound research, nor so full of new matter upon an old subject as the masterpiece just mentioned of his learned master. But those two works, combined with the "Historical Antiquities" of Professor Wachsmuth, and the invaluable manual of Mr. Hermann, will be found, by a philosophic reader, to throw more light upon the genius, constitutions, and history of the two ruling Greek races, than all that has ever been written about them in the English language, from the invention of the art of printing up to the present moment. Nor is it only that they give us more, but that they give us better light upon these subjects—it is not merely that we are enabled to see farther into them, but that we are enabled to see more clearly than we ever did before. Objects hitherto surrounded with a false glare, or distorted by a troubled medium, are now exhibited in their natural shape and color, not to puzzle the curious as anomalies and non-descripts, but to instruct our reason, and to guide our conduct, by confirming the experience of statesmen, and completing the inductions of philosophers. Whatever, for example, may be in some respects the merit of Barthélemy, they whose ideas of Greek history and government have been formed upon the views presented in the "Travels of Anacharsis," have much to *un*learn, before they can begin to profit by the lessons of better teachers, and perhaps the first step towards real improvements in such studies, would be the purging of our libraries with the salutary sternness of the curate and master Nicholas.

The two volumes, of which a translation is now offered to the public, form (we are told in the translator's preface) the first part of Professor Wachsmuth's treatise on Grecian Antiquities, of which we are promised the second in two additional volumes as soon as the translation is completed. This work has, it seems, already attained to the dignity of a classic in Germany. Professor Hermann, in *his* preface, speaks of it in that light, and thus explains the relation which his own labors bear to it:

"Hence naturally follows the relation this attempt bears to the great classical work on the same subject, the "Hellenic Antiquities" of Wachsmuth. The present treatise so far entirely agrees with that work, in the main design of combining, in one regularly connected series, all the results of previous antiquarian research, thought it would be presumptuous to institute any further comparison between the two works. If considered merely as a clue through those researches, this work may escape the charge of being superfluous, but must also, in that case, disclaim the merit of the original disquisitions and reflections by which the above mentioned highly gifted and deeply learned inquirer has rendered his work so peculiarly valuable, and of the high finish he has also imparted to its details. Only a few points have been treated more at length than by Wachsmuth, the author's object having, in general, been to furnish an introduction to that author's elaborate work. The careful examiner, however, will not

fail to observe that he is no where dependent upon Wachsmuth, and that his materials and manner of treating them are derived from a diligent study of the original; still his thanks are due to those who have gone before him, without whose previous labors an undertaking like the present would have been naturally impossible. The author's object has been two-fold: to give the philological public a comprehensive survey of the political institutions and internal history of the leading nations of ancient Greece, so far as existing antiquarian remains and the most approved modern investigations have rendered our knowledge of them certain; and, at the same time, to supply the want of a satisfactory abstract of a study so generally interesting to the scientific spirit of the age."—pp. vii., viii.

He then proceeds to speak more particularly of his plan. It is to frame a compendium or text-book of the science, comprehending, at once, all the results which have been obtained in what he well describes as the "gigantic progress it has made within the last twenty or thirty years," and the leading authorities that support or illustrate them. The work, accordingly, consists of three separate parts—the text—the authorities—and the bibliographical information contained in the notes. He goes on to say, that

"He has endeavored so to frame the text, as the heart and kernel of the subject, that it may form of itself a connected whole, and be read at pleasure, without the notes; whether the reader, etc. He hopes that the labor he has bestowed on the attainmnet of clearness and pregnant brevity will not pass entirely unnoticed; though he is conscious of having rarely satisfied himself in this particular. However this may be, he has treated the whole subject in a compendious manner, and has himself throughout regarded the text, and wishes it to be regarded and judged of by others, as the principal part to which the notes are merely supplemental . . . . From the absurd affectation of making a display of extensive reading, he is as free, as from the anxiety to quote nothing unless from actual perusal and will confidently leave the discerning critic to determine how much he has read and to what purpose. Had Wachsmuth decidedly followed up from the first such a plan of reference as he appears to have conceived in the course of his work, the author would perhaps have modestly kept back his mite; though he believes that the correct bibliographical information this work contains, may of itself prove serviceable to many. For its general accuracy he thinks he may vouch, as well as for that of the quotations as far as it is possible in a work of such endless labor. He might indeed have spared himself a part of this labor by curtailing the extracts, but it may be doubted whether this would have been to the advantage of a majority of his readers. For the introduction of confirmatory passages from the original texts, he reckons on the thanks of all who, feeling with himself the necessity of actual perusal, together with personal and connected examination of the sources of information, cannot obtain access to the most important of them."—pp. ix. x.

This is, so far as regards Professor Hermann himself, all very proper and all very true. We happen, by having repeatedly within a few years past travelled over the same ground, to have placed ourselves in a situation to pronounce with some confidence upon his diligence and discrimination, in the search after the original authorities on which he has had occasion to rely.

His inquiries have been thorough, and his examination of the texts is as critical, as his application of them to the elucidation of the various points of his subject is, almost without exception, apposite and satisfactory. To a scholar, who may not have access to a very good library, this manual will be above all price for that reason alone; although, as these quotations are none of them translated, the use of them is, of course, denied to the mere general reader. For him, however, the author has prepared in his text a body of doctrine and history, so clearly and systematically, and yet so succinctly brought out, that he will find himself compensated in it for the privation just mentioned, by a most ample and valuable store of materials and suggestions for original speculation. That this work is not a mere abridgment of Wachsmuth's, nor, indeed, in any very material degree indebted to or dependent upon it, will be obvious to whoever will be at the pains of comparing them. To say nothing of the notes, which are a clear accession to the facilities hitherto furnished to scholars on this interesting subject, his text breathes a free and original spirit, and Mr. Hermann, if he really thinks as humbly of himself and his work as he professes to do, will be surprised to hear our deliberate declaration, that were we asked whether of the two we would more willingly have dispensed with, we should hesitate long before we named his. The use he has made of Aristotle's Politics, so indispensable to any thing like a comprehensive insight into these matters, or a correct judgment upon them, would alone have recommended him to our most favorable consideration.

Not that we mean, or would wish to disparage the great work of Professor Wachsmuth, for which it is surely an honor above the reach of detraction that it has obtained so high a place in the opinions of the learned in Germany. Yet we shall be permitted to say, in all candor, that, for our humble selves, we have not been so much struck with the absolute novelty of the views presented in this first part of the "Historical Antiquities," as by their general correctness, the learning equally exact and extensive with which they are enforced and illustrated, and, above all, the lucid and instructive order in which they are arranged. That the author is one who thinks for himself, that his research is indefatigable, and his criticism acute and distinguishing to a fault, cannot be disputed; but we think we discover in him an overweening ambition of originality, even in matters where it can be displayed only in paradox or error,* and that he is not

* We think an instance of this straining after novelty is to be found in the stress he lays on certain figurative uses of the word ἔθνος, v. I. p. 344. While on the subject of words, the sense ascribed to ἑταιρεία (v. II. p. 563, Append.) of an "*anti-democratic*" combination is of course meant to be confined to the popular use of *that* day at *Athens*. Else it would not bear examination. It means a po-

sufficiently sensible of the obligations he owes his predecessors, by whose labors he has not the less profited because he occasionally disputes their conclusions, and always refuses to bow to their authority.* Yet there are several points on which, if he has not been the first to utter, he has at least expressed, with greater distinctness and precision than any other writer, what seem to us important truths. Under this head we may cite, in general, his manner of treating the subject of the Attic tribes and other divisions of the people, and his clear perception of the influence of the aristocracy of race in all the earlier periods of their history—though even he has not seen, or at least said, all that must be adverted to and weighed, before the example of Greek democracy can be used to any practical purpose, either by the enemies or the partizans of that sort of polity. So, his character of Aristophanes deserves to be mentioned, as the nearest approximation we have as yet been so fortunate as to meet with (we have not seen Süvern) to a just estimate of that great man, most injuriously represented, even by his professed admirers, as a vastly witty but somewhat extravagant buffoon.† His work embraces both the Doric and Ionic races, tracing succinctly, though with great clearness, and epoch by epoch, the history of the principal peoples of those races, whose constitutions he at the same time examines and developes. Some of these historical summaries (e. g. in regard to the character and effects of the Peloponnesian war, v. II. pp. 189, 190, and pp. 344. sq.‡) are admirable for condensation and comprehensiveness. In this first part, they begin with the heroic age, of which a very instructive account is given, and end with the overthrow of the (so called) liberties of Greece by Philip and Alexander. But, as it is our purpose to confine our remarks in this paper principally to the character and history of the Athenian democracy, we shall barely refer our readers to what is said, in the first volume, at much length, of the Pelasgi, of the emigrations, the genius, and the institutions of the Dorian and Ionian families, and of the early constitution of Greek society in general—all entirely worthy of their profound attention. The rest of this volume is taken up with the legislation of Solon and Clisthenes. The second contains the internal history of all the Greek states, (including an analysis of their

litical club or union of any sort, and was, under oligarchies or despotisms, odious as a badge or means of democratic purposes. They were resorted to against the Decemvirs at Rome. Dionys. XI. 22. Augustus suppressed them, as Louis Philippe has done. Dio Cass. l. 52. c. 36. and see Aristot. Pol. cited *infra*. Isocrat. ad Demon.

* Schlosser Geschichte der Alten Welt. II Th. 1. Abth. 254., reminds Wachsmuth that, as to Roman History, he stands upon Niebuhr's shoulders.

† Mitchell and even Schlegel are in some degree obnoxious to this censure.

[‡ Also his account of Philip, vol. II. 234. 238.]

... the Persian war until the Mace-
... by Antipater.

... the manner in which the subject
... has been treated in them, we should
... of our dissent from the opinions
... writers of antiquity, in reference,
... history, and of a strictly
... speaking of the internal
... Hermann says, "it is so far
... was owing, as Aristotle and
... of her foreign influence, that it
... on the growth of her
... of its decline." Now, even had
... imputed to him, it
... for a modern writer,
... his own speculative
... against the judgment of one
... thinker of any age,
... events and the persons of which
... however, Aristotle, so far as we
... such thing. The passage,
... to do with the matter: but,
... contains a most masterly view
... of Lycurgus, as well as in other parts
... exposes in the clearest manner, the vices and
... in the constitution of Sparta, that necessarily
... the ruin of ages, the evil consequences then visible
... instances might be cited from the "Historical
... of Mr. Wachsmuth. Now, we by no means object
... the largest freedom of criticism in things as to which we
... have very nearly the same means of coming to a safe conclusion
... as the writers of antiquity. Many of these writers, besides, are
... contradicted by others, or are worthy of no great confidence in
... themselves. But nothing is so hard to learn from books as what
... is, in practice, the real character of a government, or what secret
... causes modify or disturb its action and influence. It is the
... *spirit*, not the letter, that is to be discerned here, and must be
... spiritually discerned. It is matter of *fact*, sagacity, or what is
... called, emphatically, *judgment*. The opinion of one such writer
... as Aristotle is worth, on such a subject, a whole library of sophisters and rhetoricians, or pedants and compilers, of any, but
... especially of a later age. Indeed, we have here touched upon
... the only weak point of the German writers of the class in question, and the one in which they appear to the greatest disadvantage, in comparison with those of the classical times of antiquity.

* Arist. Pol. II. 6. † Ibid. c. 9.

These latter had, almost universally, a practical knowledge of human affairs, acquired in the camp, in the forum, by foreign travel, and diversified experience, superadded to their accomplishments as scholars and philosophers. The former, on the contrary, are, with a few rare exceptions, mere professors, and, of all professors, perhaps the least versed, by any personal observation, in the affairs of war and peace, as they are conducted by captains and politicians. With all the disadvantages, however, of such a position, every competent critic must, in general, be struck with surprise at the sagacity and soundness of their judgments in political history, not less than at their unrivalled industry in collecting, and skill in sifting and preparing, the evidence. We do not, therefore, by any means, wish to be understood, in the remarks we have just made, as entertaining, in regard to these admirable writers, the opinion which a brilliant and eloquent but "presumptuous and superficial" writer* has not scrupled to pronounce on all such undertakings of philologists, whose pretensions to write, or even to understand the history of nations, he treats with scorn and ridicule. This sneer, unbecoming as applied to Bentley, for whom it was probably meant, were sheer impertinence, addressed to the author of the "Letter on the Study of History," to that class of writers in the Germany of the present day. But it is no injurious detraction from their unquestionable merits to affirm that, however admirable the use they have made of the wisdom of antiquity, there are some of the phenomena of society, in the various shapes and phases it has passed through, which the ancient writers have dealt with in a manner *hitherto* unrivalled by the moderns—Burke, himself, not excepted, much less Machiavelli and Montesquieu—and which it is difficult even to appreciate without a considerable experience in public affairs.

This remark leads us, naturally, to speak of the attention which has of late years been awakened in Europe to such inquiries as those contained in the works at the head of this article. The history, and especially the political history of antiquity, is become a subject of universal and deep interest among educated people. Undoubtedly the wonderful ability—so very far superior to any thing of the kind known in modern literature till toward the close of the last century—with which such subjects have been treated by some of our contemporaries, has contributed not a little to diffuse a taste for these studies. But that is by no means the only, nor, in our opinion, even the principal cause. The true explanation of the fact is to be sought for in the spirit of the age, and the character of the eventful period in which we live. The first French revolution (if it can be spoken of in the perfect tense as something past and gone) formed a new and

* Bolingbroke; the epithets in inverted commas we adopt from Burke.

mighty era in political science, if science it deserves to be called. For the first time in the history of the modern world, perhaps of the world modern or ancient, the Past was formally renounced in the legislation of a whole people, and a government attempted to be built up on purely *speculative* principles. This is the great peculiarity of that event, and what makes it so very important in the study of civil society. Both the English revolution and our own had been, in fact, like all previous ones, circumscribed within the strictest limits of *historical and hereditary right*. A few general phrases in the Declaration of Independence to the contrary notwithstanding, the whole controversy, from 1765 to 1776, was *diplomatic*, as German critics term it,—it turned, that is to say, on the muniments and monuments of the past. We claimed, and earnestly insisted that we claimed, nothing *new*—we asked only for what we were ready to prove was ours by a title of record, confirmed by a possession of at least five hundred years. What we resisted we stigmatized as change; and the pretensions of the throne were doubly odious as innovation and as tyranny. *Nolumus mutare leges hucusque usitatus* was our war-cry, as it had been the watch-word of those sturdy barons of old at Merton. We fought for our "birth-right," as it was proudly called,* the peculiar and undoubted privileges of *our race*—that family inheritance secured and settled upon it at Runnymede—and, when we came to write our constitution, we had nothing to do, and did nothing, but transcribe magna charta, with the petition of right, and the bill of rights.† But far other were the views of the constituent assembly in 1789. They were not for doing their work by halves—nothing less seemed required at the hands of such master architects than to pull down the whole polity of France, and build it up again on the principles of Montesquieu. They never once thought of the materials or the ground; they had brick for stone, and slime for mortar, and they were to rear up a city and a tower whose top should reach up to heaven, and whose foundations should be as immoveable as the earth. Their ill-contrived and incongruous fabric, which, as every body knows, led only to confusion, not of tongues, but of ideas and principles, tumbled about their ears as soon as it was put up, and a convention was called to reconstruct a dilapidated society. This they proceeded to do with as much confidence as their predecessors, but, of course, according to their own system, or, rather, that of their master, Jean Jacques. The rest is too well known to need mentioning; but what may be worth a remark is that, up to that moment,

* Jus eximium nostræ civitatis.—*Cic.*

[† I find this substantially stated by Mr. Jefferson—Works, vol. 4, 286—in the important letter to Kercheval, which reveals Mr. J's whole system.]

modern Europe had little or no experience in the matter of government. Let us dwell a few moments upon this topic.

The feudal constitution, which was established under the successors of Charlemagne, and soon spread over almost all Christendom, bound up the universal body-politic in the complex and artificial relations of a mere territorial dependence. Civil society became an aggregate of fiefs or estates in land, and the law of tenures was its only public law. With this singular external structure were complicated the consequences of a conquest, the relation of a superior and an inferior race, of lord and villein. All the mighty elements of popular commotion were completely smothered up—they lay, with the people themselves, more deeply buried than the giant in the fable on whom Jove threw Ætna—where his throes might still sometimes shake the earth, and his rage find a vent in the fires of the volcano. There was, in truth, no people—there were villeins regardant, and villeins in gross—serfs attached to the soil of the manor, and burghers broken up into guilds, and entrenched behind the walls of towns. But the masses, every where divided, inert and enslaved, counted for nothing. There was no social union, no country to serve, no government to obey. Instead of a sovereign, there was a *suzerain;* instead of laws, there were pacts and treaties; instead of constitutions, there were charters; instead of courts of justice, there were peers in armor, and wager of battle.

The condition of the Netherlands, for example, illustrates most strikingly the tendency of the feudal spirit to pervade every interest and institution, and to keep them all separate and in conflict. The States General, controlled by the provincial states, the provincial states "cabined, cribbed, confined" by the municipal governments of the great towns, the towns themselves full of inferior corporations or guilds, animated by an *esprit de corps* of their own, submitting with reluctance to any general authority, and combining with difficulty in the pursuit of any common object. In short, the centralization, complained of now-a-days in France, is a blessing of later times.

When, after centuries of anarchy, the kings contrived to reduce so many independent and refractory authorities to obedience to the law, and to establish something like the order and the unity of a well-constituted society, the vestiges of this original state of things continued, for a long time, plainly impressed upon all governments, and the spirit of the feud survived even the despotic policy of Richelieu. The political history of Europe, for eight centuries together, is, accordingly, most remarkable for its uniformity. The same ideas, the same maxims, the same conduct, every where; and nothing that deserves to be called either *popular* or revolutionary any where. An occasional *Jacquerie*, the perpetual hostilities between the cities and the neigh-

boring barons, disputed successions, the crusades of all sorts against Mahometan or Christian *miscreants*, and even the civil and religious wars that grew out of the Reformation, constitute, really, no exception to the truth of our remark. They all had reference to existing institutions, and were addressed only to modify and improve them—none of them attacked the principle of prescription, or proclaimed original, inalienable, unalterable rights. The anabaptists in Germany, and the levellers in England, if they were not too contemptible in numbers and character to deserve notice in a general view of the progress of mankind, were, indeed, a sort of exception; but, surely, an exception that proves the rule, for all parties agreed, at least, in disavowing and detesting *them* and their ravings, as inconsistent alike with sound principles and with social order; not to mention that these maniacs can scarcely be said to have given the dignity of a metaphysical system to their coarse fanaticism.

When French society had at length completely outgrown this artificial and forced system, and some, and even a very considerable change was become unavoidable, it so happened, from a great variety of causes, that all the mighty agents of convulsion and decomposition were let loose at once, and swept in a moment every thing ancient or established from the face of the earth. Then, for the *first* time, the philosophers of modern Europe had an opportunity of witnessing one of those experiments in political chemistry which were continually occurring in the last days of Greece, as in a laboratory set apart for them. They saw society resolved into its elements, and these elements, like atoms in the void of Epicurus, disengaged, seeking, according to their affinities, new combinations, or too refractory to be reduced into any. They had opened the gates of Chaos, which, to shut, excelled their power, and,

> Before their eyes in sudden view appeared
> The secrets of the hoary deep, a dark
> Illimitable ocean without bound,
> Without dimension; where length, breadth, and height,
> And time, and place, were lost.

None of the Lycurguses of 1789 had the least idea of what was to ensue, and even when they dispersed in 1791, after so many signs in the heavens, and on the earth, of some great trouble at hand, and, when the wisest of them had been brought to doubt the absolute perfection of their own work, they did not yet dream of the scenes of 1792, and still less of the reign of terror. To the genius of Burke alone, of then living men, the impending horrors were, from the first, revealed in all their gigantic shapes and dimensions of wo and wickedness, and nothing is better calculated to impress us with an idea of his immense superiority as a profound political thinker over all his contemporaries, than the

familiarity with which he treats, in anticipation, an event so entirely new and anomalous in the history of modern nations. Where was he to seek in that history for the archetype of the Jacobin? What was there in the doings of Tell or Rienzi or of Artevelt and Massaniello, of Pym and Vane, to suggest the most distant idea of that exterminating fanaticism which possessed the minds of the conceited and reckless sophisters, the Robespierres and the St. Justs, who undertook to *reconstitute* French society upon metaphysical principles, and to regenerate the nations by a baptism of blood?

But what was then new and anomalous in Europe is now becoming apace its settled opinion and its fundamental law. Every body that has eyes to see and ears to hear must admit that democracy is the inevitable condition of modern nations. M. de Tocqueville is no discoverer—he has only uttered what all have long felt and thought. Paris is the capital of the democratic, no less than of the polite world; as much so as, and more than Athens ever was. The forms of royalty are, to a certain extent, kept up, but there is no reverence left for them. The little pageantry that still adorns the court, the hierarchy of the state, the magnificent equipage of its powers civil and military, are only what French taste requires as decorous and befitting the circumstances. Absolute equality before the law and the spirit of equality in every thing are the prominent characteristics of the times; and a theory of human rights and social powers, far more levelling than was ever known in Greece, has established itself in the laws of the state and in the opinions of the people. The same causes are producing the same tendencies every where, and whatever shape the universal democracy that is approaching may ultimately take, whether the republican or the monarchical, (for that is the great problem of society, and our recent experience is far from encouraging,) nothing seems to us surer, than that all institutions, bottomed upon distinctions of race or caste, will sooner or later, peaceably or by violence, fall before the progress of commerce and opinion.

It is quite natural, therefore, that with this conviction impressed upon their minds, people should look with more curiosity than formerly, into the history of states which grew up under circumstances, and assumed forms so totally different, from those of feudal Europe. It so happens, too, that the language in which the so-called democracy of Athens has perpetuated its principles and its glory, is by far the most perfect instrument of human thought ever vouchsafed to a people, and has been embalmed in eloquence and poetry entirely worthy of its own perfections. But these attractions, great as they undoubtedly are, are but subordinate to others more immediately connected with the subject

we are discussing. Heeren, after Heyne, has more than once adverted to the vast and diversified political experience of the Greeks. Syracuse, for instance, presents, in its history alone, a complete compendium of governments, having passed through a greater number of revolutions, from one form of polity to another, through almost every combination of the social elements, than occurs in the annals of modern Europe. So every part of Greece proper, with the exception of some Dorian states, was in perpetual commotion, and that country is fully entitled to be called, as it is by the writer just mentioned, a "sample-paper of free commonwealths."* It was, therefore, quite a matter of course not only that a wonderful degree of practical ability should be acquired by those who were called upon to act in such eventful and rapidly shifting scenes, but that the class of philosophers who, in later times, withdrew as much as possible from politics, to devote themselves to a life of contemplation, could not witness them without being led to reflect much and deeply upon the principles of civil society. Accordingly, this was universally the case. There is no feature in the intellectual history of the Greeks more remarkable, than the depth and comprehensiveness of their political speculations. Not Plato alone, but almost every philosopher of the many sects that sprang up out of the school of Socrates, published his thoughts upon the existing governments of his country, or built one of those castles in the air, called an "idea of a perfect commonwealth." It is, indeed, from such things, even more than from the events of Grecian story, or the conduct and the language of practical statesmen, that the political opinions of the better classes of society may be gathered. These dreams embody their desires, and show what would have been the shape of Greek legislation, had circumstances and the will of the mass of the people not been, as they every where are, too refractory to be controlled by speculative notions and artificial systems.

Mr. Hermann remarks that "the treatises of the ancients themselves, on their manners, institutions, and governments, are with the exception of a few fragments, wholly lost ; but, independently of the historians and orators, who form in their absence our chief authority, there is scarcely a writer of the better period of Greek literature, but contains numerous allusions to the public life of his times." That we have lost many treasures of information on these interesting subjects, is undeniable. The great work of Aristotle,† in which he analysed and censured the con-

* In dieser Griechischen Welt die gleichsam eine Muster-Charte freyer Staaten war. Ideen, etc. 3 Th. Europäische Völker, p. 327. cf. his Staaten des Alterthums III. Abschn. 2. period.

† Νομιμα, or Πολιτειαι Πόλεων.

stitutions of the then civilized world in their endless variety, amounting, it is said, by some, to no less than two hundred and fifty, is no doubt, in some respects, though we must think rather subordinate ones, quite irreparable. The same thing may be said of Heraclides Ponticus, and others among his successors. Yet it is probable that the historian has lost more than the philosopher, and the curious philosopher more than the statesman, or the man of the world, in those works. The resources left us for any practically useful purpose are, at any rate, most abundant. If we have lost Aristotle's collection or analysis of Polities, we have the ripe fruit of a life of profound thought and extensive observation, in his Philosophy of Politics.* Heraclides Ponticus, from the age in which he lived, and still more from a passage in Cicero,† we take to have been a writer of inferior value, inasmuch as a mere speculative and scholastic one, who flourished in a period when Greek genius and spirit were already on the decline. If, before that period, authors who treated of politics in a theoretical or systematic form, were but few, this deficiency is amply made up, not only by the historians and orators, as Mr. Hermann has it, but by all the writers of all sorts, who are come down to us from the most brilliant era of those immortal commonwealths; the interval between the Persian and the Peloponnesian, and thence down to the Lamian war. The truth is, that the literature, like the life (of which it was the faithful mirror) of Greece, was thoroughly political. Its great predominant peculiarity is its strictly historical complexion, even in things where it might be suspected of being, or might be expected to be, most fictitious and fanciful. Their tragedies, for instance, were full of politics, those of Euripides especially.‡ The Old Comedy is a part, and by no means an unimportant one, of the constitutional history of Athens, and Timanthes§ did not paint the Demus more to the life than Aristophanes. Pindar is vouched by Müller and others, to prove that Lycurgus did no more than reform the hereditary institutions of the Dorians, and we bow to the authority of a poet, distinguished not less by deep wisdom and grave morality, than by the qualties for which his name has furnished an epithet.‖ One of the remarkable things in Herodotus, and one of the most remarkable things of the kind in any author, is the debate he puts into the mouth of the Magophoni, as to the constitution they ought to adopt for Persia, after the overthrow of the usurpers. It is a discussion of the relative me-

* Πολιτικα.

† Ad Quint. Fratr. III. 5.

‡ Orest. 696, 772. Suppl. 400, sqq.

[§ Parrhasius Plin. H. N. 30. c. 5.] *Parrhasius should perhaps be substituted for Timanthes in the text.*—PUBLISHERS.

‖ The passage cited is Pyth. I. 61, with Böckh's Explic.

rits of the three simple forms of government, concluding with a deliberate preference of the monarchical, the one in which, it is alleged, mankind have universally sought and found a refuge from the evils of all others. *Mitford, an able, certainly, but prejudiced and not very learned writer, considers this as an expression of the opinion of Herodotus, veiled in the specious guise of a dramatic propriety of discourse. This we do not think reconcilable with another very remarkable passage of the old historian, to which we shall hereafter refer, nor indeed with probability, considering what was the date of his testimony. But if the disputation referred to does not prove Herodotus to have been a monarchist, it shows him to have been deep in political speculation, and is a striking confirmation of our previous remarks, as to the pervading influence, as well as the profound and comprehensive spirit, of political philosophy among the Greeks.

But whatever may be the extent and variety of the sources on which we have to draw for our knowledge of the political opinions and institutions of Greece, it is impossible not to join in Heyne's lamentations† over the historians, Ephorus and Theopompus, two famous disciples of Isocrates.‡ The latter, especially recommended to us by the very censures passed upon him by the ancients. He is represented as a fault-finder by complexion, and as more to be relied on when he praised, than when he blamed.§ As to his censoriousness, Professor Wachsmuth well remarks that, considering the corruptions, almost beyond all credibility, of the times in which he lived and wrote, it is not in the least to be wondered at, and was most probably any thing but excessive. His master, Isocrates, "that old man eloquent" himself, whom

> ——That dishonest victory
> At Cheronea, fatal to liberty,
> Killed by report—

the panegyrist, *par excellence*, of Athens, the professed champion of the constitution of Solon and Clisthenes, or rather, as he affirms in one of his orations,‖ of that constitution of a thousand years, which the two lawgivers only accommodated in some

[* Schlosser, speaking of 4 and 5 of Mitford's History not having been as yet translated into German, says, "was uns sehr wohlgethan scheint, da die Parteylichkeit ins Lächerliche und die Breite ins unaustehliche geht. g. d. alt Welt 1. th. 2 abth. 216 cf. 227–218.]

[† But see Schlosser 1 Th. 2. abth. 277. 8 (n.).]

‡ Opusc. II. 280, sqq., an excellent dissertation on the extent of our losses in the political writings of the ancients, and bearing on more than one of the points discussed in the text.

§ Plut. Lysander, c. 30. But see Niebuhr, R. G. v. 1. p. 150.

‖ Panathenaic. Theseus, according to him, was the founder of democracy: and, in a certain sense, we have no doubt he was.

particulars to a new condition of things—who makes it his boast that he had omitted no opportunity of extolling the democracy, and who, even in that most instructive parallel, or rather contrast, between that democracy in its pristine estate, and as it then was, debauched and deformed by demagogues, and become the stain and scandal of Greece, still prefers it to an oligarchy, and glories, as well he might, in the victories of Conon, and the merciful and moderate policy of Thrasybulus and his compeers*—even he seems to have lived long enough to survive all faith in popular governments, and to wish, like Abbe Sieyes in 1799, for, "one head and one sword" to think and to fight for confederated Greece.† His celebrated pupil, who was born more than half a century later, saw under the despotism of Macedon, the consummation of all the evils of which the Areopagitic oration is so lively a portraiture. Cheronea was indeed an era of downfall, but what shall we say of Cranon and Antipater? and then the degradation, beyond all power of language to characterize, for which the people of Athens were thus prepared, and which it exhibited in such glaring and disgusting forms under Demetrius the Phalerean, and Demetrius Poliorcetes. What wonder is it that a man of ardent and elevated genius, like Theopompus, living in scenes of such baseness and profligacy, and *that* amidst the ruins of so much glory, should find every thing amiss, and, if he wrote as he felt, should leave behind him a dark picture of his degenerate and worthless contemporaries? He was a witness, for instance, to the administration of that great "friend of the people," Eubulus of Anaphlystus, the whole drift of whose policy was to render the mob he misled as dissolute and as brutish as the herd of Comus, and who caused them to devote to theatrical amusements, by a solemn act of legislation, and under pain of death denounced against any patriotic attempt to repeal it, the funds necessary to the public defence—he saw this pestilent demagogue, vehemently suspected, too, (as from the tendency of his measures he well might be,) of being all the while in the pay of Philip of Macedon, reduce Athens to a condition as bad in point of effeminacy and debauchery as that of Tarentum, and honored for doing so, both during his life and after his death, beyond the wisest and best of her statesmen; how should he record the doings or draw the character of such a man, without seeming to write history with the pen of satire? In the tenth book of his history of Philip, this celebrated writer treated of the demagogues of Athens in detail, those cup-bearers of the democracy, as Plato expresses it, who drenched it with liberty until it was drunk, and to whose profligate sycophancy the most popular of the tragic poets imputes all the errors and vices of

* Areopagitic. † Πρὸς Φιλιππον.

the otherwise unerring people.* There is not to be found in the catalogues of laborious compilers, like Fabricius, the trace of any work of antiquity, of which we more sensibly regret the loss, than of this.†

Theopompus, like Xenophon, was a *continuator* of THUCYDIDES. It is, indeed, a subject of congratulation, that the works of *this* great man did not share the fate of his successors. Antiquity has left us three witnesses of the three common forms of government in their excess or corruption, in three historians, hitherto, perhaps, unrivalled by the moderns—Thucydides, Sallust, and Tacitus. Of these, the first in order is, in our opinion, the first in merit. Sallust is flattered by the comparison, but we well know and fully appreciate the transcendant power of him who painted the despotism of the first Cæsars, the Dante of history, whose deep thought, revealed rather than expressed in sentences of a pregnant, and sometimes obscure brevity, seems in harmony with his dark and terrible subject, like the famous words upon the gate of hell—

Queste parole di colore oscuro.

But the mighty annalist of Tiberius, and Caligula, and Claudius, and Nero, deplores the dismal monotony of the crimes he records, and envies the historians of an earlier age the more brilliant and various subjects presented to them by the achievments of "THE ROMAN PEOPLE." And it is principally in this respect, that we consider the two great works of Tacitus as on the whole less precious as monuments of the past, as requiring for their execution, if possible, a less commanding order of ability, than that of Thucydides. With all his profound knowledge of human nature, in which no one ever surpassed him, the Roman historian found his theme not only cloying for sameness, but to present fewer objects of high interest, and to teach fewer lessons of practical importance for succeeding times, than he desired to transmit to them. Monarchical despotism, especially in that rude form, is a comparatively simple thing. Even the military democracy into which the monarchy of the Cæsars soon degenerated, and which furnished, in bloody contests for the crown, scenes of a more stirring and diversified dramatic character, will bear no comparison with the tumultuary popular governments, always in a state of war and commotion, that figure in Greek story. Such governments, it cannot be too often repeated,

* Euripides.

Δεινον δι πολλοι κακούργους ὅταν ἔχωσι προστατας.
Αλλ' ὁταν χρησοὺς λάβωσι, χρησὰ βουλευουσ' ἀεί.—Orest. 772-3.

[Cf. Aristoph. Eq. 1350.]

[† Theo. Soph.]

are the true school of politics.* Accordingly, never was subject so fortunately, or, we should rather say, wisely chosen, as that of Thucydides; for the choice itself is the best evidence of his pre-eminent ability to do it justice. He foresaw, he tells us, from his knowledge of Greek affairs, that the war was destined to be, as it proved, the most eventful and most obstinate that had ever been waged among men. He began at once to take all the measures necessary for obtaining the best information. He deliberately records and ratifies as a historian what had thus been revealed to the prophetic eye of the statesman, and, in a solemn proem, worthy of the heroic poem it precedes,† he has sketched in a few words the outline of this grand historical picture.

There can be no better illustration of the remarks we made, when speaking just now of the freedom which the authors before us, like so many other Germans of the present time, use in questioning the opinions of such men as Aristotle, than the absurd judgment passed by Dionysius of Halicarnassus—a generally excellent critic—upon Thucydides, in regard to the choice of his subject. It is the language of a finical and fantastical pedant, who would have history written so as to give no offence "to ears polite," and who thought it a "dreadful thing" to remind a people of the stern but instructive lessons of its experience, as Nick Bottom thought it, "to bring in, God shield us! a lion among ladies." The flagrant folly of Dionysius in this respect, is the more remarkable, because in the same breath he praises, and justly, we have no doubt, Theopompus for that very severity in exposing the corruptions of his age and country, for which others censured him, and for an approach to which the critic himself finds so much fault with Thucydides. According to him, the former of these two historians excelled all others by his deep insight into motives, his sagacity in detecting hypocrisy, and the power with which he tore off the masks of a specious but dishonest conduct. Like Tacitus, he looked rather to the dark side of human nature, and for the benefit of his patient, used the knife and the cautery without mercy. Yet it is this very eulogist of such a writer, who thinks the most important period of Greek affairs should have been suffered to sink into oblivion, because it was not such a one as that people might dwell on with particular complacency!

The Peloponnesian war has been aptly called the "thirty years war" of Greece; though with a view to distant consequences, it was far worse than *that* memorable struggle. It not only produced but perpetuated the scenes painted by Schiller in "Wallenstein's Lager." It was a great era, not of revolution merely,

* Plato called ultra democracy the παντοπωλιον of governments.—*Plut. Dio.*
† Marcellinus.

but of downfall and ruin. We have already spoken of the light in which it was regarded by Thucydides,* and we may here add that its moral and political effects of all sorts have been very forcibly summed up, perhaps even somewhat exaggerated, by Professor Wachsmuth.† That is to say, at least, we think all the seeds of decay and corruption had been sown broad cast before that war, and were only brought up a little sooner, and made preternaturally fruitful and teeming by its baneful influences of all sorts; while he appears to regard it not only as the occasion, but to a greater extent than we are ready to admit, the prime cause of much that ensued upon it. At any rate, however, it was an epoch in the history of those commonwealths that of all others most deserved to be treated by the hand of a master, and of just such a master. It was, as was said of a great event of our times, *le commencement de la fin*, if not the end itself. It found Athens mistress of the greater part of Greece, it left her at its mercy. The proud city narrowly escaped being razed to the ground, and seeing her whole people, gifted then as none other ever has been, sold into slavery.‡ After the mighty events of the Persian invasion, of which the story sounds like mythology, and in which her conduct—nothing short of the sublime heroism—deserved and won for her the title and the influence of liberatress of Greece,§ she became, partly by the eminent abilities of her own statesmen, partly by the backwardness of Sparta, and her want of a navy, or her aversion to distant enterprises and foreign dominion, partly and perhaps more than all the rest, from the extreme and deserved odiousness of Pausanias, the head of a confederacy of maritime states, embracing almost all the islands and shores of the Ægean Sea. The object of it was defence against the common enemy, the Great King, and each state was to furnish, for that purpose, its quota of troops and money. It was the equitable assessment of this tax that obtained for Aristides his envied but not disputed title of "the just." But this system, projected by the deep policy of Themistocles, and completed by the victories of Cimon, was perverted by Pericles, as he did every thing, to the purposes of *demagogy*, and the federal contributions were squandered, under his administration, in fostering the arts, and pandering to the pleasures of a voluptuous city. The natural consequence of this injustice, and of the lawless and insolent spirit that led to it, was that her dependencies became impatient of the yoke, and her great

* L. I. c. 22, 23,

† v. II. pp. 181. sqq., and 393, 4. The former passage is only a paraphrase of Thucydides.

‡ See Herder's Gesch. der Mensch. III., 163—166, as to the narrowness of the escape, Isocrates, Areopagit. [Demosth. παραπρεσβειας κδ'.]

§ The language of Herodotus is express, emphatic, and conclusive. VII. 139.

rival was roused up from her drowsy apathy, and, about half a century after the last Persian army was withdrawn, these discontents broke out against the "tyrant state" in a war of twenty-seven years. In the course of that war, Athens discovered an extent and variety of resources, a capacity for affairs both civil and military, a patience and constancy under misfortune, and an elastic buoyancy of character, which must strike every one with astonishment. But, coupled with the display of these high qualities, was the progress, every day more rapid, of dissoluteness and misrule, under the miserable demagogues, the Cleons and Hyperboluses, who divided among them the influence which Pericles had exercised without a rival over the popular mind. The bitter fruits of his policy, which his extraordinary abilities, helped by most favorable circumstances, had enabled him to retard or to disguise, now shot forth, on all sides, in the rankest luxuriance.

It is just that period of the history of Athens that the great contemporary writer in question has recorded, as he assures us with an impressive seriousness, not for the purpose of a mere occasional display, or to excite curiosity by a brilliant tale, but as a lesson of the deepest import, and "an acquisition for all time," κτημα εις αει.* He was about forty years of age at the breaking out of the war, and survived it some time. In the seventh year of it, he was a general in the Athenian service, but, having failed to save Amphipolis, where he arrived the day after it fell into the hands of Brasidas, he was, on Cleon's motion, punished for his mishap with banishment, and thereupon retired to his estates (which were very considerable) in Thrace. It was in this tranquil solitude ("under a platane," says one of his biographers†) that he composed his immortal work, which he opens with a masterly view of Greek history from the earliest time, but especially from the Persian to the Peloponnesian war. This latter period, however important, had, he informs us, been neglected by all his predecessors, with the single exception of Hellanicus, who had touched upon it with extreme brevity, however, and without any regard to chronological order. Unfortunately, his narrative reaches only to the twenty-first year of the war. No man ever took greater pains to learn the truth, or was, in every respect, more perfectly master of his subject.‡ His greatness of mind is sufficiently evinced by the stern impartiality and the austere tone of his narrative, in no part of which—unless his portraiture of the worthless Cleon be considered as an exception, is there to be discovered the slightest tincture of resentment for the wrongs he had suffered at the hands of the tyrannical De-

* L. i. c: 24.
† Marcellinus, ed. Bekker, p. 5.
‡ Id. 4.

mus.* With every advantage of illustrious birth, ample fortune and finished education, acquired after the fashion of the day, in the school of Anaxagoras the philosopher, and Antiphon the rhetorician—a man who subsequently played a conspicuous part in politics, and of whom he speaks in the highest terms, both as a statesman and an orator†—he found himself surrounded, in his contemporaries, with the greatest minds that ever adorned the annals of his country. Herodotus, Sophocles, Euripides, Aristophanes, "the Olympian" Pericles, Socrates, the chief of thinkers, Phidias, the prince of statuaries—these are names which, if we except Plato, Aristotle,‡ and Demosthenes, can scarcely be said to have been equalled in a later, or, indeed, any age of Grecian history. Thucydides belonged to the same class of minds, cast in the grandest mould. With habits of comprehensive generalization, and the deep thought nursed in solitude, he combined the sober experience and the practical sagacity of the statesman and soldier, and there is scarcely a page of his work but bears witness to his profound political wisdom, and his power of teaching philosophy by a bare recital of facts. The speeches, which he was the first to introduce, and to make an essential ingredient in ancient history, and which serve, like the chorus in their tragedies, to express public opinion and the spirit of the times, as well as to convey, in a condensed form, statistical details and general views of the character and condition of nations, are signally distinguished by all these rare qualities. In one of these, ascribed by him to Pericles, he gives a full *expose* of the ways and means of the republic at the breaking out of the war. In another, supposed to be delivered by the same great personage, as a funeral oration over the brave men who fell in the first encounter with the enemy, we have a truly captivating picture of the democracy, as it had been up to that time, that is to say, in its best and highest estate, and we are thus enabled to measure the extent of its fall, during the fatal period intended to be embraced by his history. Nothing can be more strikingly illustrative of the great object of the work, than the contrast thus presented; but every part of this breviary of statesmen is replete with instruction, for minds capable of discerning, amidst circumstances apparently the most diversified, the great general causes that affect the destinies of nations. He has sketched, in a few chapters, relative to the bloody scenes in Corcyra, a mighty revolution that had taken place in the manners of the country a little before the date of his narrative, and this moral change sufficiently accounts for all the political evils that are to follow.§ In an-

* Marcellinus contrasts him, in this respect, with Herodotus, c. 5; and see the instance given c. 4. Compare Diony. Halic. Judic. de Thucyd. Hist. c. 8.

† L. 8. c. 64. [‡ Diod. Sic. xv. 76.]

§ L. 3. c. 82.

other passage, the whole philosophy of a "reign of terror," the mystery of *constructive majorities*, by which a few bold and crafty spirits dictate their own opinions to the multitudes they affect to obey, and measures opposed by almost every individual of a great mass are seemingly adopted with perfect unanimity, is revealed in a few words, as exactly descriptive of certain recent events, as if they had been expressly intended as a history of them.* It is curious to see what is called, by the political wire-drawers of the day, "party discipline," or in plain English, the *art of thinking for the people*, as familiar to the demagogues of antiquity as to those even of this privileged age.

As to the style and economy of this great work, it does not fall within the scope of the present article to expatiate upon them. One thing, however, is too remarkable to be omitted in this connection, and that is that the author's claim to be regarded as the father of historical criticism is admitted to be just even by Dionysius of Halicarnassus. We have already adverted to what this rhetorician has to say in one of his works, of the historian's selecting the Peloponnesian war for his subject: he has written another very long and elaborate diatribe,† expressly to show that Thucydides was scarcely more fortunate in his manner of treating that subject than in his choice of it.‡ We shall not enter here into a detailed examination of his objections. They go to form as well as substance, to arrangement and execution, to words and things. He considers the whole plan of the author as bad; finds him bringing out into disproportionate relief some parts of his matter, while others, in the opinion of the critic just as important, are slurred over with a bare passing notice, and wonders why Pericles was brought in delivering the famous speech we have just mentioned with honor. He even ventures on an attempt to show, by examples, how much the work would have been improved had his judgment been consulted in the composition of it. Then the syle and diction are very faulty, full of poetical locutions, long and obscure sentences and hyperbolical exaggeration. It is not for us to imitate the example of Dionysius, by affecting to refute his objections in points of merely verbal criticism. We shall not dispute with a Greek about σχηματα and ῥηματα. It is enough for us that, in this attack upon the reputation of "the first of historians," as he admits he is considered, he feels himself constrained to do homage to public opinion, by a formal apology for the boldness of his strictures; that he fully admits the excellencies that constitute, in our judgment, the superiority of Thucydides over all his rivals; and that, especially, he ascribes to him the honor of hav-

* L. viii. 64–5.
† Judicium de Thucyd. Hist.
[‡ Cf. Lucian quomodo sit conscribenda historia.]

ing first, with the single exception of Herodotus, and to a much higher degree even than that writer, infused into Greek prose that vigor, earnestness, and elevation, which are described by the familiar and expressive, but untranslatable word, δεινοτης.* It was to acquire this lofty and powerful style that Demosthenes himself, the only rival of his great model, copied out with his own hand, according to the tradition, this whole history eight different times; and Marcellinus well remarks, in regard to the cavils of Dionysius, that to find fault with Thucydides, because his mode of expression is not altogether popular and simple, is to forget that commanding powers, and a strongly marked individuality, never fail to manifest themselves in the form of speech as in every thing else. *Le style c'est l'homme.* The critic in question does not affect to dispute, nay, he highly extols, the historian's pre-eminent abilities as a painter of the passions, and of the tragical events best fitted to excite them; and we will take it upon us to affirm that some of his descriptions have never been surpassed, if (depth of pathos, as well as picturesque effect, being taken into the account) they have ever been equalled in literature—Livy himself not excepted. It will be enough to mention the famous account of the plague, so often imitated since—and that of the departure of the great armament for the invasion of Sicily, and the cruel catastrophe of the expedition in the capture and destruction of the whole army. Indeed, the seventh book is, throughout, one deep and tragical romance, of an absorbing and agitating interest, which fiction (in prose at least) has yet to rival.

Our special admiration for the greatest of historians, has led us to dwell longer upon Thucydides than it was our purpose to have done, but the extent of our remarks is any thing but disproportionate to the importance of his work to the student of the constitutional history of Greece. Yet, as we have already observed, we have many other and most copious sources to draw from for the same purpose, and the philosophers, especially those more familiarly known among the moderns, abound in information of the most valuable kind in relation to the politics, practical and speculative, of their country. What with the progress of literary tastes and pursuits, and what with the daily increasing troubles and disorders of all sorts, that made public life more and more insupportable to people of sensitive tempers and quiet habits, a class was gradually formed that had not, hitherto, had a separate existence in the first of those commonwealths. Persons of the highest intelligence withdrew almost entirely from politics to devote themselves to a life of ease and contemplation. But in

* Ibid. c. 23.—οὐδὲ τὸ ἐῤῥωμενον και εναγώνιον πνευμα ἐξ ὠν ἡ καλουμενη δεινοτης, πλην ἑνος Ἡροδότου.

retiring as far as possible from the reach and the roar of that "savage wild beast," (such is the very language of Plato,) the tyrannical and passionate Demus, to dream of a more perfect social state, and to feed their minds with visions of the good and the beautiful in their ideal purity, these gifted spirits became, perhaps, only the better observers, for being spectators rather than actors in the scenes of corruption and uproar that followed one another almost without intermission, until the last sparks of liberty were quenched by Antipater in the blood of Demosthenes, and by the populace in that of Phocion. They never were far enough removed from the theatre of these events to lose all personal interest in them, as, indeed, who could be that was, in any manner, member of a community formed on such principles as were universally received in antiquity? Accordingly, we find that Socrates professedly strove to act on public opinion, and gave his whole philosophy a practical turn. It was his boast, that he had brought down the thoughts of the contemplative, from the stars and the elements, from cosmogony and meteorology, to man and his morals. The individual, the family, the state, and the relations they mutually bore to one another, now attracted their attention to the disparagement of the inquiries which had rendered the old school so famous, not to speak of the perpetual war they waged with the logical subtleties of the later sophists.

Now, it is a most remarkable fact, that, among these philosophers, not one (so far as we know) is to be found but holds the democracy of Athens as it existed, in a degenerate state, at that time, and democracy in general, in its unlimited or extreme form,* in utter horror and detestation. This is true, indeed, of all Greek writers of every class, with scarcely an exception, as we saw just now in reference to its panegyrist, Isocrates. But, of course, the opinion is more apt to be pronounced by those who had leisure to speculate upon the causes of the evils they witnessed and experienced, and upon the remedies by which they might be corrected.

Many English writers of the last century have cited with complacency, as a high compliment to their own constitution, a well known passage of Tacitus, in regard to mixed governments, and others from Polybius to the same effect, as if it were very strange that such things should creep into the books where they are found. The truth is, however, that so far from being at all singular, they are only the expression of an opinion universal among the educated people of antiquity.† One's reading in

*ἡ τελευταια δημοκρατια.—Aristot. Polit. passim.

† Plato calls all the simple forms στασιωτειαι—Leg. VIII. 832, and Polybius treats the governments of Athens and Thebes as no governments at all.—l. VI. 8—11. As to Aristotle, see his Politics, *passim*. There is a passage about a mixed constitution in Cic. de Rep. l. III., XIV., which is, in our opinion, the very

their philosophy must be extremely limited not to know this. It is impossible, for instance, to open Plutarch's voluminous works without seeing it. It is only in professed panegyrics, composed for occasions of mere parade and festivity, and expressing nobody's convictions,* that we hear of any thing like approbation, much less praise, of the actual constitution of Athens. Of that constitution, as it was instituted by Solon, and re-established after the fall of the Peisistratides, with some alterations by Cleisthenes, some of them do, indeed, speak with a melancholy satisfaction. But, democratic as it was thought, at first, the demagogues of later times found it a sheer aristocracy, and none could do it homage in those times, without passing for an oligarchist and a "Philo-Lacon," or partisan of Sparta. Nor, indeed, are we to wonder at this, for, besides the important functions and authority of the Areopagust under it,‡ the spirit of an earlier age breathed in every part of it, and imparted to it much too high a tone for those whose policy it was to degrade and sink the popular mind to the level of their own low profligacy, and base envy of whatever deserved to be held in honor and reverence. Professor Wachsmuth has clearly perceived and repeatedly states this important truth. He affirms, (v. I, p. 272, 3,) that the ancient aristocracy of the noble order was a firmly established form of constitution, and that the Grecian Demus of the early times never clearly conceived, or consequentially developed, the principle, that the supreme power was the indefeasible right of the bulk of the people. He remarks, in another place, (v. II. p. 56, 7,) that, though "the constitution which Solon had begun to render democratic, had been divested of various still remaining and not unimportant aristocratic ingredients, it was not yet entitled to the appellation of pure democracy."§ He goes on to say, "the recognition of the mob, and the insolence of a seditious populace, were alike foreign to the character of the Athenian State, which, until the beginning of the Peloponnesian war, when the plague swept away a number of its best citizens, and Pericles amongst the number, may be compared to a body directed by its noblest members, to whose guidance the remainder yielded ready obedience."

The same aristocratic spirit, therefore, would very naturally display itself in the earliest speculations of the philosophers,

best account we have ever seen of its *genesis*. Quum alius, alium timet, et homo hominem et ordo ordinem; tum quia nemo sibi confidit, quasi pactio fit inter populum et potentes, etc., with which compare Thucyd. V. 89. and III. 11.—το δε αντιπαλον δεος

* Plato, Menexen, throughout, for the contempt of Socrates for such things.

[† Demosth. Κατα Αριστοχρατ.]

‡ Arist. Pol. V. 6.

§ He quotes Plut. Cimon. 15., who speaks of the "aristocracy under Cleisthenes."

even had there been nothing (as there was much however) in their peculiar tenets and way of thinking to predispose them to the same conclusions. Accordingly, Pythagoras and his school were as much celebrated for their oligarchical spirit and doctrines, as for their mysticism and symbols, or their faith in numbers and music. Their legislation and their fortunes in Magna Grecia are among the most curious passages in ancient history.* They treated society as a thing of measured harmony and mathematical relations, which none but the initiated could comprehend.† They regarded anarchy as the greatest of all moral evils. Plato derived from them his mysterious reverence for order and subordination, and his ideas of distributive justice, which he has wrought up into the scheme of his perfect commonwealth. They looked upon every approach to arithmetical equality, or what we call the "democracy of numbers," as a violation of the eternal order of the universe, and aimed by all their legislation, to substitute for it the "proportioned equality" of Milton, in which every one should obtain that to which he was fairly entitled—

> And if not equal all, yet free,
> Equally free; for orders and degrees,
> Jar not with liberty, but well consist.—*P. L.* V.

Socrates, and all his disciples, held the same heretical tenets. He lost his own life on a charge of atheism, but that was a cry raised against every one whom the sycophants found it convenient to discredit with the mob. We have it, on excellent authority,‡ that what really led the people to perpetrate that most wanton and atrocious murder§ was his political connections, and the part he had had in the education of Critias and Alcibiades, two of his most prominent pupils, into whom he was supposed to have instilled that contempt of the multitude, which the one displayed in the most cruel excesses as chief of the XXX Tyrants, and the other in the whole course of his heartless, profligate, and detestable career, and then most when he gulled the Demus with the loudest professions of love for it, and the broadest hypocritical grimace as its courtier and parasite. The writer of the dialogues, ascribed to the Socratic Æschines, has not overlooked this characteristic of the school.‖ If the discourses put into the mouth of Socrates, by his two most celebrated disciples, Plato and Xenophon, are to be taken either as true

[* Plutarch de Genio. Socrat. 13.]

† See Jamblich. Vit Pythagor. c. 27. (130) of the unintelligible επιστριτον, borrowed, as he says, from Pythagorus by Plato. And, on the whole subject, compare with Jamblichus, Porphyry Vit. Pythagoræ, and the Anonymous Biographer in Photius—printed together, Amstelodami, 1707

‡ Æschines. Athenæus says (L. XIII. c. 92.) it was for making an impertinent discourse about justice before a bench of judges who were arrant thieves.

[§ Æsch. C. Tim. λό'.]

‖ See the 3d Dialogue de Morte, c. c. 12, 13.

reports or as probable fictions, the sovereign people had the best reason in the world to regard him as their enemy, although preaching all his life, and practising in his death, the most unlimited obedience to their declared will.* It is impossible to paint a more terrific picture of a lawless, reckless,—despotic democracy, than the former has left us in his political dialogues, such as the Republic and the Laws. His most vivid imagery, his most eloquent invective, are exhausted upon it; and his own ideal commonwealth is cut out altogether, as we have seen on the Pythagorean system, or, what seems to have been very much the same thing, the old Dorian plan of a permanent distinction of classes, approaching to castes, and a rigid discipline extending to all the interests and pursuits, private as well as public, of life.

Xenophon, the rival of Plato, and usually very little inclined to agree with him, goes, in his hostility to the then existing constitution of Athens, to still greater lengths. His works are very various, and show him to have been equally versed in the most sublime speculations, and in the smallest minutiæ of practical life. Among other things of the kind, he has left a treatise *de Re Equestri*, in which he gives precepts for the keeping and training of horses, that Paul Louis Courier, in every respect a most competent judge, has thought fit to translate, for the benefit of modern grooms and jockeys. His diversified experience, added to his theoretical studies, the truly attic simplicity and clearness of his style, and his entire freedom from all approach to exaggeration either in thought or expression, should seem to recommend his judgment (whatever we may think of the vigor and originality of his genius) to our special respect. His political opinions are not to be sought for in his Greek history, a continuation, as we have seen, of Thucydides, which has always appeared to us, in spite of its reputation among the ancients, a most superficial and unsatisfactory book, and in regard to which we are glad to be kept in countenance by Professor Wachsmuth's very decided opinion to the same effect.† But his numerous philosophical treatises abound in discussions of political interests and principles. They leave no room for doubt as to his creed or his party, and we find him, accordingly, out-heroding Herod, that is, as we have said, exceeding Plato himself in decrying the democracy of his day. It may be, that his habits as a soldier of fortune, disposed him to prefer the most simple form of authority, and to look upon the total want of discipline that appeared in the wild impulses and disorderly conduct of the mass as mere anarchy. It may be that his Lacedæmonian connections, and his admiration for Agesilaus, confirmed him in his anti-democratic inclinations. Certainly, to a true Spartan of the *old school*, a

* Se-

† Vol. II. p. 265.

visit to Athens at that epoch, must have been like a peep into Chaos, and Xenophon probably thought and felt like such a Spartan.

Whatever was the cause, certain is it, that the Demus, at whose hands (like almost every man of any distinction) he suffered banishment at least, received no quarter at his. Professor Wachsmuth is disposed, on this account, to consider him as a prejudiced witness. Yet, judging him by what so many other writers have said upon the same subject, and allowing him the benefit of the indulgence extended, as we have seen, by that learned person to the fault-finding Theopompus, Xenophon may claim to have spoken no more than the truth, of what he actually saw and suffered in the daily course of things at Athens. We shall presently refer to the testimony of the orator Lysias, whose prepossessions (if he had any) lay all the other way. His orations afford us a living picture, as it were, of what passed in the ordinary administration of justice, if that sacred name may, without profaning it, be applied to a tyranny as unscrupulous and violent as any thing recorded of the revolutionary tribunals of France, and, if possible, more shameless still. In the midst of the familiar occurrence of such things, for example, as the popular phrenzy about the mutilation of the Hermæ, and the wholesale massacres to which it led—of the barbarous murder* of the generals who conquered at Arginusæ, and who were rewarded for one of the greatest naval victories of antiquity with a sentence without a trial, and an ignominious death†—of the sacrifice of Socrates, in mere wantonness of arbitrary power, or to appease some vulgar clamor for his blood—how is it to be wondered at that these writers should look with envy, as so many of them do, at the order and peace enjoyed at Sparta, under the reign of the law, and should infer that there was something radically wrong in the constitution of a society exposed, apparently without all hope of remedy, to a sort of perpetual reign of terror?

Yet Xenophon's feelings upon this subject, however strong, have infused, at least, no rancor or acerbity into his expression of them. He betrays, rather than declares them, in his preference for Doric manners and Spartan character—in the evident complacency with which he paints his (imaginary?) Cyrus, the *beau-idéal* of an absolute monarch—and, in the various passages of his dialogues, in which he speaks of the evils of the existing democracy as of things of course, and unquestionable matters of

[*In consequence of this Chabrias stopped the pursuit at Naxos. Diod. Sic. xv.]

† Æschines (the pseudo-Socratic) says they had only two voices out of thirty thousand: De Morte, c. 12. For the heroic conduct of Socrates, on that occasion, see Xenoph. Hellenic. l. 7. But a better account than Xenophon's of that most revolting judicial murder, is to be found (where one might hardly expect it) in Diod. Siculus, l. XIII. c. 104. There is nothing, in all history, more sublime than the conduct, on that occasion, of Diomedon, one of the accused.

fact. In one of his works—a treatise professedly dedicated to a defence of the Demus against some of the more specious objections of its enemies—he does indulge, it must be owned, in a vein of mischevous irony worthy of Swift. This work has been denied by some, perhaps, most recent critics, to be Xenophon's—but there is nothing but conjectural evidence to show the contrary, and Böckh declares for himself that he considers the argument on that side as inconclusive.* Certainly the author's hostility to the existing democracy is no proof of its spuriousness, for passages may be cited from the Economics, or (if that too is questioned) from the Convivium, as bad as any thing in this essay, and if a more minute criticism should incline us to think it the production of a later hand, we shall be obliged to confess it is a very probable figment, and in spirit and opinions, if not in style, bears a strong family likeness to the genuine offspring of Xenophon's pen. It is, as we have said, a piece of ultra-Socratic irony. It enumerates, one by one, the principal abuses of the system of demagogy, which, at that time, rendered the very name of popular government odious, as we have seen, to people of sense and education. He admits them to exist, and in the worst form, but affects to justify them as essential to the very being of democracy itself. If he is told that such things are inconsistent with every idea of good government and social order, he answers, that nothing is more possible—he does not pretend to dispute it—he is not discoursing about forms of polity in the abstract, and their relative virtues and advantages, neither does he profess to find realized, in *that*, his own idea of a perfect commonwealth. What he undertakes to show is that the imperfections imputed to the democracy are inherent in its nature, and inseparable from it—that they who desire it as an end, must consent to the use of the necessary means—that the Athenian Demus is not what it is, the most detestable and licentious of all perversions of society, by any accident or disturbing causes, but by design and on system, with a perfect consciousness of its own objects, and a policy profoundly calculated to attain them.

In reading this piece, one is continually reminded of Machiavelli's *Principe*, except that the mob of Athens take the place of his heroes and models, such as Borgia and Castruccio—and except, too, the irony. The Italian had a taste for what he recommends as medicine—Xenophon sickens while he prescribes, and desires and means that his patient should reject the loathsome potion. Some passages of the treatise† are quite curious

* Pub. Econ. of Athens, v. I. p. 62. n. (transl.) Wachsmuth, also, quotes without questioning it. [But see Hist. Antiq. &c. v. 2. p. 201. Ib. p. 344. § 77.]

[† ναῦς δὴ καθελκειν τῷ πένητι μὲν δοκεῖ·
τοῖς πλουσίοις δε καὶ γεωργοῖς οὐ δοκεῖ. Aristoph. Ecclesia. 197. Cf. Pax. 610—503.]

enough to be worth extracting for the benefit of our readers, if we had the space necessary to do them justice.. As it is, we must content ourselves with remarking that the general drift of the author is to show that the demagogues of the day taught a people intoxicated with arbitrary power, and impatient of all restraint, as careless of every obligation, to live like a nest of Barbary pirates on the plunder of every thing around them—that, like other spoilers, they regarded the commonwealth itself as "lawful prize"—that, instead of governing their foreign dependencies with a view to their own benefit and that of the state, which would naturally flourish by their prosperity, and strengthen with their strength, they were laid waste by oppressive exactions to supply the cravings of a worthless populace—that the rich at home were fleeced in the same manner by a system of unequal taxation, and through a corrupt administration of justice, while their estates in the country were given up, without defence, to be devastated by the enemy in wars, provoked by the abuse of their maritime power in the hands of the same lawless multitude—in short, that, instead of a government of laws extending its protection to all, it was one scene of violence and *brigandage*, in which the physical force of the many usurped all the functions, only to violate all the ends of civil society, and the revenues of the commonwealth and the property of individuals, were alike treated as a mere fund for the support of the vicious, the profligate, and the idle. In other works of Xenophon, as we have said, we find substantially the same things charged to the people of Athens. In his Banquet (c. 4. 29.) he represents one of the interlocutors of the dialogue as expatiating upon the advantages of poverty, the chief of which was its perfect independence.* Instead of trembling for its own safety, it bullied others; instead of living in slavery, it was free; instead of paying court, it was itself flattered and caressed; instead of being suspected by the country, it enjoyed its sympathy and confidence. When I was rich, he adds, I fawned upon the sycophants,† in whose power I continually was. I was fain to be forever spending money for the public; I was not allowed to go abroad; if I was seen with Socrates, I was reprimanded for it—whereas now I do as I like, keep what company I choose, I am courted by the rich, in favor with the government, a tyrant, not a slave; and instead of paying tribute to the state, the state pays tribute to me, and makes me a sharer in its revenues.‡ In another of his works,§ Socrates

[* Cf. facetos versus Antiphanis, apud Athenæ VI. p. 103.]

† We need scarcely say this word meant, at that time, a common informer, that is, a courtier of the democracy, whose service was public delation and prosecution.

‡ Dionys. Halicarn.—Deinarch. β'.—Aristoph. Vesp. 616. seqq. and indeed passim. I'll have you enrolled among the rich. Id. Equit. 920 seqq. (says Cleon.)

§ Econom. c. 2.

boasts that with a fortune, his house and all counted, of some five minæ, (about twenty pounds sterling,) he looked upon himself as a much richer man than Critobulus with at least a hundred times as much. The larger estate was accompanied with disproportionate outgoings in lavish expenditures for *sacrifices*, without which he would be tolerated by neither gods nor men—and in magnificent hospitality, in feasting, and in charity. But besides these, he enumerates the various taxes imposed upon the rich, who were required to incur immense expenses in what were called the *Liturgies*—that is, in furnishing the funds for public festivals and entertainments, choruses, and processions in time of peace, and in keeping horses, equipping ships, and paying extraordinary contributions in time of war. And the worst of it is, adds he, that if you fall short of what is expected of you in any of these things, the Athenians punish you just as if you had robbed them of what was theirs. We will remark, by the way, that this subject of Liturgies and taxation, is so important to a proper understanding of the Public Economy of Athens, that Böckh's admirable illustrations of it cannot be too often recommended to the attention of the curious reader.*

It is manifest, from the tone of their works, that both Plato and Xenophon write in the spirit of what is called a *reaction*. The abuses of popular government which they daily witnessed, had disgusted them with popular government itself. This is the peculiar evil of misrule in that shape, and what makes the demagogue, whose accursed mission it is to seduce and debauch a free people, and to fit it, by vice, for bondage, a greater scourge than an Attila or a Gengis Khan. He is the worst enemy of the species, because he destroys the foundation of its best hopes—its faith in itself.—The usurper may be dethroned, the conqueror may be overthrown, but to what purpose, when his successor *must* be as bad as he?† Men who have seen the most cultivated and enlightened nations led or driven into the worst crimes by wretches like Cleon or Robespierre—who have seen polished capitals, like Athens or Paris, the glory of the earth, seats of the highest civilization, and filled with the trophies of genius, become theatres of horrors worthy only of the most savage hordes, drenched in gore by a banditti of Septembriseurs, doing murder in broad daylight, or delivered up to the hellish orgies of mobs, made cruel by suspicion, or drunk with blood—who have witnessed judicial massacre solemnly perpetrated in the name of the law, and decrees of flagrant iniquity, and revolting for their bar-

[* F. A. Wolf. prolegomen or περ. Ασπιν. Belli Peloponnesii tempore Trierarchos naves accepisse de publico œdificatas, nihilque aliud ab ipsis exactum esse nisi ut naves remigio et armamentis instruerent turenturque. Ne victum quid aut stipendium Classiariis dare videtur Trierarchus debuisse. &c. Sed sæpius postea mutatus est mos. Vide loc. cit. 381, 2. Adde quod de Antidosi docet. Ib.

[† Aristoph. Eq. 943—5.]

barity, sanctioned by the votes of majorities, made up of mild and merciful, but timid and feeble men—who have heard shouts of liberty uttered by multitudes, subjugated by terror, and cringing before the idols of their own creation, and seen (what is the infallible consequence of such excesses) the reptile demagogue a moment before "squat like a toad" at the ear of his victim, "start up in his own shape the fiend," and stand confessed the tyrant—such men must not be too sternly judged, and may even be pitied and pardoned, if they despair of the fortunes of humanity. "Wo to the world because of such offences, but wo to the man by whom the offence cometh." Plutarch, in his life of Timoleon, relates, that the people of Syracuse, after long years of a most disastrous experience of this connection between the demagogue and the tyrant, hated at last the very sight of the Bema and the Agora—the stage on which their popular leaders had been accustomed to play off their impostures, and from which so many of them (that sterling democrat, the elder Dionysius, for example,) had been raised to despotic power. It was this sort of discouragement that possessed the minds even of the wisest men of Greece at the period referred to. The language they uttered was akin to the affecting apostrophe of Brutus at Philippi, and their last hope was in a sort of political millennium, when philosophy should be seated upon the throne. Thus it was, that while Xenophon idealized monarchical despotism in the Cyropedia, Plato, on the contrary, sought to realize his dreams of a perfect social state, by educating the younger Dionysius to exercise power according to the principles of the academy—a sad failure, compensated by his brilliant success with the great republican hero, the avenger Dio.

After the overthrow of the democracy at Cheronea, the greatest thinker of antiquity addressed his comprehensive mind, in the full maturity of his experience, to the subject of government, and although, as we have stated, one of his two political works is perished, we still possess, in the other, a treasure of which it is impossible to overrate the value.

Aristotle is not obnoxious to the remark we have just made in reference to Plato and Xenophon as having written *recentibus odiis*. He treats that in a spirit as severely philosophical as any other of the multifarious subjects of his all-searching inquiries. There is no more reason to suspect him of passion or partiality, in regard to democracy or oligarchy, than in his Metaphysics or his Analytics, his Topics or his Rhetoric. He gives us the natural history of governments, as he does that of plants or animals, and seems equally above his matter in both. A thorough acquaintance with this important work, we hold to be indispensable to any correct knowledge of the political institutions of antiquity. It must not be read only, but made, book by book, and

chapter by chapter, the subject of deep study and meditation. There is nothing superfluous or superficial in it; not a sentence but is full of thought and meaning, expressed always concisely, sometimes perhaps abruptly, never, we think, obscurely. We detect, clearly, the want of this critical knowledge of the work in Mitford and other writers of that time, and on the other hand, it is just as evident, that the great German philologists of the present day, have used the Politics as a key to the whole civil history of Greece, and as a fixed point of reference in all their inquiries. Niebuhr, for instance, has found in it a lamp to light his path in the darkness of Roman antiquity, which he has so successfully explored, and some of his most instructive and satisfactory views are but generalizations of hints and principles derived from Aristotle. We would point, for examples of this, to the use he has made in regard to the legislation of Servius Tullius, of what the Greek philosopher has said of the changes effected by Cleisthenes in the constitution of the Attic tribes.* So as to the comparative inefficiency of the *plebs* in the *comitia* of Rome, because residing on their farms at a distance, their attendance in those assemblies was inconvenient and irregular. Both the authors at the head of this article (as we have already had occasion to remark of Mr. Hermann,) have drawn continually, and, with the greatest advantage, upon the same copious fund.

What is most remarkable, however, in this great work, is its spirit, and the general conclusion to which, when fairly interpreted, it clearly leads. We have said that Aristotle is exempt from all passion or prejudice, on the subject of popular government. He had studied, for twenty years together, under Plato, in the academy, and left Athens a mature man of thirty-seven. But a part of his life had been passed in a very different station. He was employed, as every body knows, by the victor of Cheronea, to "teach great Alexander to subdue the world." He was, for many years, therefore, an inmate of a court, such as it was, and if we are to receive the description, Demosthenes has left us, of Philip's manner of living, as any thing but the grossest caricature, there was, surely, nothing in that court to captivate or dazzle any body, and least of all, such a mind as the Stagirite's.† He might have learned there the truth he teaches, that "despotism is apt to love low company." He had seen at once the frail and feverish being of the democracy, with its odious demagogical tyranny, and its wild delirious transports, extinguished with ease, by a coarse but compact military power, and "young Ammon" turned loose to scourge mankind and to forget himself, and his philosophy, and his native land, in the vice and debauchery,

* Arist. Pol. VI. 4. cf. VII. 9. So as to the remark that confiscations and forfeitures ought to be consecrated to the gods.

[† See the story of Pausanias. Diod. Sic. xvi. 93.]

the swilled insolence and barbaric haughtiness of oriental despotism. There can be no doubt, we should think, that this opportunity of comparing what he saw with his own eyes, of democracy under the lead of such men as Demades, with an autocracy of that kind, this view of society, passing through revolution and conquest from one extreme to another, was eminently well fitted not only to inform his mind, but to temper it, and to make his judgment as cool as his philosophy was profound, penetrating, and comprehensive. It was just such a discipline as public opinion in France has undergone from the delirium of their first enthusiasm for liberty, and their scarcely less mad lust of dominion under a military despot, to an inglorious subjection to a yoke fastened upon them by foreigners, until, sleeping off in this forced repose the fumes of their double intoxication, they have been brought at length to think seriously of the necessity and the advantages of a *juste milieu*.

But whatever effect this instructive experience may have had in counteracting or correcting the disgust naturally inspired by the vices and excesses of the degenerate democracy of Athens, no unprejudiced man, it appears to us, can read, with proper attention, the whole context of Aristotle's Politics, without coming to the conclusion that the best form of government, in his opinion, is a well tempered popular constitution, or at least, a constitution in which the popular element was very strong and active. He does not, like Plato and Xenophon, when he speaks of a perfect commonwealth, imagine the reign of a patriot king. Neither does he entertain that extravagant admiration for the Doric model, especially the institutions of Lycurgus, for which they are distinguished. One of the most striking parts of his work, is his examination of the ideal republic of Plato, which, in many points, such as the community* of wives and the education of women, was a copy of those institutions. He seems to have had some faith in the PEOPLE, so far as that word was applicable at all to the condition of ancient society, that is, in communities made up of some distinguished race—in the calm judgment of masses—in the common sense of mankind deliberately expressed and fairly collected under forms calculated to check power, to repress passion, and to give time for discussion and reflection. A government so well ordered as to deserve the name of a polity *par excellence*, (Πολιτεια,) was distinguished from an aristocracy (and this latter word implies in his use of it nothing narrow or oligarchical,) by leaning more to the side of the many than of the nobles.† Nay, it was even a more popular form than the

[* Not precisely *sub-modo*.]

† L. V. c. 7. So where all are eligible to office, but the best elected. Ib. c. 8. Comp. l. IV. 15, where he contrasts a government of laws with one of men; and the very definition of polity. III. c. 7.

constitution of Solon and Cleisthenes. He says expressly, that what he called (in conformity, no doubt, to general usage) by that complimentary name, would have passed in those earlier times (so aristocratic were they) for a government of the many. So, he considers a system in which the people delegate their high powers to others, as an aristocracy, so that all representative government would fall within that category. Another fundamental principle, on which he repeatedly insists, is, that no government not founded on *justice*, can be durable. But, then, this justice is relative, and not absolute, in its nature, and to be determined, by the actual condition of society, and the opinion of mankind, one age requiring that a greater number should be admitted to take part in public affairs than another, and it being in all cases important to interest as many as possible in the preservation of the existing order of things—a combination, be it remarked by the way, of the historical and the rational, the prescriptive and the positive, worthy, on every account, of particular attention. Accordingly, he considers, as the state of society most favorable for free governments, that in which the whole population is homogeneous, all, as nearly as may be, on a footing of equality, all in comfortable and independent circumstances in regard to estate and the majority engaged in agricultural and other rural pursuits. Had he written with a view to our actual condition in this country, he could not have described more perfectly the advantages we enjoy for maintaining social order and equal rights. He denounces all inequality as a never failing source of strife and sedition. It is true, this equality, like the justice which is its convertible term, is relative. Mere "arithmetical equality" he regards as a violation of all "distributive justice," the great end of civil society. A system by which the voice of the wise, the experienced, and the good, is always drowned in the clamors of a majority, composed of ignorant and violent men, he thought the very worst sort of inequality, and this, as we shall see in the sequel, was the common voice of antiquity.* This would be, in fact, only an oligarchy turned upside down. If, says he, the majority, being possessed of estates above a certain amount, should exclude those who were less fortunate from any share in public affairs, though the few were shut out and the many governed, nobody would call that democracy. So, where the majority, being without fortune, drive the better sort of people from the public service, or deprive them of the weight and the influence to which they are fairly entitled, the evil is precisely the same, but in a more aggravated degree. It is unjust, and cannot last. The government he considers as the best is such a one as might be variously characterized by observers according to their systems,

* See Plut. Conviv. VIII. Q. II. § 2, 3. Id de Frater. Amore XII. Arist. VII. 3. *14. V. 9.* and III. 7; the definition of a polity is express.

as a democracy or an aristocracy—that is to say, a well-balanced republic. This observation was afterwards applied by Polybius to the constitution of Rome, in the age of the Scipios.

This leads us to remark that another fundamental truth, which he clearly developes, is that none of the simple forms of government could be good*—that unlimited power, under every name and every shape, is equally tyrannical, and produces exactly the same effects on society, or effects so nearly the same, that the difference is scarcely worth the trouble of a choice between them. This morbid anatomy of governments is treated with an ability as impartial as it is masterly. Tacitus himself has not painted despotic monarchy more fearfully after nature. Niebuhr speaks of the devilish spirit of the ancient oligarchy, and cites a passage of the Politics to prove it.† Aristotle shows that all governments perish by pushing to excess their peculiar principles—as the sin that most easily besets them. Thus, in democracies, instead of leaning to the side (the weaker side) of law and order, the profligate men who made politics a trade, and the commonwealth a spoil, never ceased to stir up the envy of the multitude against the rich, until, by their attacks upon property, or by other wrongs, the upper classes, driven to desperation flew to arms, and civil wars and military despotism followed of course. He asks, how it is that a well balanced constitution was so rarely to be met with, and answers, that is it because most governments have sprung up out of revolutions, and breathed the spirit of the revengeful and exterminating passions that produced them. They were "reactions," the offspring of hate, not the work of reason, and presented the image of a city taken by storm, rather than of a polity adopted with mature deliberations, by the common counsels for the common good of a community.

Yet sound and masculine as is the tone of Aristotle's political philosophy, he paints the degenerate democracy, of which he had so many opportunities to witness the excesses both when a student in the academy and as a professor or teacher in the Lyceum on his return to Athens, in colors not at all less sombre, though less highly *charged*, than those used by Plato and Xenophon. Indeed, without the experience of the French Revolution, as Mitford remarks, it would be difficult for a modern to believe or even to conceive, the possibility of such horrors as appear, from his account, to have occurred, in what may be called the daily experience, and to have flowed naturally from the very constitution of those turbulent commonwealths. And, on the contrary, the Jacobins might have learned the principles of their terrific despotism in his book. We do not think we can convey

* The better tempered the government the better. Pol. IV. 12.—V. i.

† Romisch. Geschichte, v. II. 337, 8. Der nämliche Geist der Hölle, etc. He quotes Arist. Pol. v. 9. of the oath, etc., a passage often cited since.

to our readers a better idea, either of the democracy of Athens, or of Aristotle's manner of handling the subject, than by translating, as closely as possible, according to our understanding of them, some passages from his work.

The first of these is one wherein he speaks of a democracy, in which the only law is the will of the majority for the time being—a government of decrees of the popular assembly (ψηφισματα). This, he adds, is generally brought about by the demagogues, who flourish most where there is no respect for the laws, since the Demus becomes, to all intents and purposes, an absolute monarch, one compounded of many, the multitude governing in their aggregate or corporate capacity. Such a Demus, then, being a monarch, will rule like one, will be controlled by no law, will play the despot, and surround itself with flatterers. Such a democracy is precisely the counterpart of tyranny in monarchies. Their character and spirit are the same; they both oppress the better sort of people; votes of the assembly (*psephismata*) are in the one case what edicts are in the other, and the demagogue and the courtier are identical—both of them exercising a pernicious influence over their sovereigns, the latter over his king or tyrant, the former over his democracy. These demagogues, by referring every thing to the people, and causing them to interfere with every department of public affairs, supersede entirely the fundamental laws and constitutions. They find their own importance, of course, greatly enhanced by a system which makes the capricious will of the sovereign for the time being the only law, for controlling, as they do, the majority, they are the masters of that will. "He cannot be said to pronounce too harsh a judgment who affirms that a democracy, of this sort, is no regularly constituted government (πολιτεια), and, if democracy, properly so called, is such a government, then this is no democracy."—(l. IV. c. 3.)

It is plain that the demagogue, under such a system, is the most absolute of all masters, and may say with Jack Cade, in the chronicle, that "all the laws of the realme shall come foorthe of his mouthe."

In a subsequent passage, speaking of the supreme judicial power as being exercised, in all cases, by the people, he says, it is the system of the then actual democracy, which he pronounces to be exactly analogous to a "dynastic oligarchy, and a tyrannical monarchy." (Ib. 14.) This coincidence between monarchical and democratic tyranny he illustrates more than once, and shows how exactly the maxims taught by Periander of Corinth, who was as great a doctor in the schools of arbitrary power as Machiavelli himself, apply to the policy of such a corrupt and monstrous form of popular government. *Divide et impera*, is the maxim of both—to awaken jealousies and hatreds between

classes and individuals, so as to destroy all possibility of concert or even communications between them*—to break the community in two by a permanent division, and perpetual war between the rich and the poor, the town and the country—to surround every one with spies, to arm friend against friend, to watch the most secret movements, to disturb household peace, poison the dearest relations of life, and destroy all the sweet carelessness of social intercourse—to discourage and depress every thing distinguished in talent, or elevated in sentiment, and to admit to the administration of public affairs only the weakest, the most worthless, and the most wicked of mankind—in a word, systematically to debase, to darken, and to pervert the human mind. Phocion stood towards the democracy of his day in precisely the same relation as Thrasea to Nero, and Camille Desmoulins, in the Vieux Cordelier, wrote the history of Robespierre in the texts of Tacitus.

"We see, in extreme democracy, every thing as it is in tyrannies, wives ruling their husbands, whom they keep in perpetual fear of denunciation, and no discipline over slaves for the same reason—for neither slaves nor women plot against tyrants, and, having every reason to be contented with their lot, they are partizans or tyrannies and democracies. For Demus loves to play the monarch, and accordingly each has his favorite and courtiers, the democracy its demagogue, and the tyrant all the most abject in fawning and adulation, which is the business of a courtier. It is for this reason that tyranny loves the base and the unprincipled, for such alone will flatter—the good love without adulation—and so all tyrants hate every thing noble or free in spirit and manners," etc. (l. v. c. 11.)

In another place, after showing, by numerous examples, how democracies were subverted in consequence of those schemes of confiscation and robbery which the demagogues were perpetually setting on foot against the rich, he proceeds to observe that, in earlier times, tyrannies (in the Greek sense) were more frequent than they had been of late, and he explains it by the fact, that in those times the demagogue was always, at the same time, a general. "Whereas, now-a-days, oratory being grown into an art or profession, public speakers play the demagogue, but, having no skill in war, they meddle, except in some very rare and trifling occasions, hardly at all with military matters. Tyrannies sprang up formerly more frequently than in these times, both because more important commands were confided to generals, and because, etc. Their leaders easily usurped the tyranny. All did this who had the confidence of the Demus, and this confidence was gained merely by professing hostility to the

* Let there be no syssitia, no ἑταιρεια, etc. v. 11. Vide suprà, note.

rich. As at Athens, Pisistratus opposing the people of the plain. and Dionysius, by his invectives against Daphnæus and the rich was invested with the tyranny, being considered as a good democrat for no reason but because he hated *them*. And thus it is that they change their democracies from the form in which they were handed down to them from their fathers to the present fashion."

Pisistratus and Dionysius the Tyrant! In this passage we have the testimony of Aristotle to a truth established by the whole tenor of ancient history,* and which modern, limited as it is in this respect, has confirmed and will forever confirm. The demagogue is the tyrant in embryo. To say that he is in democracies what the courtier is to the despot, the cringing, hypocritical, parasitical worshipper of power, is indeed substantially saying the same thing. The best slave is almost always the worst master.

We shall close these abstracts from Aristotle with a literal translation of some important remarks, which throw great light upon the internal constitution and the daily practices of the democracies of Greece. (l. VI. c. 6.)

The true friend of democracy or oligarchy will show it not in contriving that his institutions shall be as democratic or as oligarchical as possible, but that they shall endure the longest possible time. Thus the demagogues, now-a-days, humoring the caprices of the Demus, deal in wholesale confiscation, through the decrees of courts of justice. Therefore, the friends of that sort of polity ought to counteract them by passing laws prohibiting the confiscation to public use of property forfeited by a sentence of a court, and making it sacred to the gods. For by such a provision, criminals will not be less deterred, (since they will be equally punished,) but the multitude, (who compose the judicatories or juries,) will be less inclined to convict, when they are to get nothing by the judgment. So care ought to be taken to diminish public prosecutions as much as possible, prohibiting, under heavy penalties, the instituting them without probable cause, for they are wont to attack in this way, not the humbler sort, but people of the upper classes, and it is essential that all the citizens of a commonwealth should be interested in its preservation, or at any rate, that the rulers, whoever they are, should not be looked upon as enemies. So degenerate democracies (αἱ τελευταῖαι) are very populous, and it is hard they should assist at the public assembly without compensation, and this, where the revenues are scanty, falls upon the rich, (for a fund must be raised for the purpose, by extraordinary contributions, (εἰσφορα,†) confiscations, and judicial plunder, which have subverted many

* See Dionys. Halicarnass. Rom. Antiquit. l. VI. and VII. passim.
† A property tax. See Bockh, P. E. of Athens, II. 224.

a democracy,) therefore where the revenue of the state is inadequate, there ought to be but few assemblies held, and the tribunals composed of many judges should sit but a few days. It would also conduce to reconcile the rich to the expense, if people of any property were allowed no compensation for jury service, (δικανικον) but only the poor, and at the same time, it would cause justice to be better administered. Where there is a good revenue, demagogues should not be allowed to do as they now do; for they distribute any surplus immediately in small quantities. The consequence is, that the people are always receiving and always in want of more, for such assistance to the poor is merely pouring into a cask with a hole in the bottom of it. The truly democratic statesman will take care, beforehand, that the body of the people (πληθος) should not be in a destitute condition, for this is the great source of trouble and abuse in democracies; but he will take care that *permanent* provision be made for them. Since this is a matter of concernment to the rich as well as the poor, distributions of surplus revenue ought to be made in considerable quantities at once, and it were especially desirable, if enough could be raked together to buy small farms, or, if not, for providing a little stock for commercial or agricultural industry; and if it be impracticable to give to all, to make the distribution by tribes, or in some such way, collectively. Meanwhile, for all necessary meetings of the people, compensation should be raised by a property tax on the rich, releasing them from vain and useless liturgies. It is by such a system that the Carthaginians keep the Demus contented under their well balanced polity, for they are continually sending some of the poorer sort to their neighboring dependencies, where they are made comfortable and prosperous.

The same testimony as to the character and conduct of the democracy of Greece, is given by all the other authorities on whom any reliance is to be had. We shall say nothing of the comedies of Aristophanes in this connection—not that we think him either an unimportant or an exceptionable witness. We hold them, on the contrary, to be an essential part of the political history of Athens, and cheerfully acknowledge the service rendered to *science* by M. Wachsmuth, in his just and exalted estimate of their value in that sense. But Aristophanes is too great a man to be treated as he deserves in the narrow space allotted to us here. We shall take a future opportunity of expatiating at large upon this mighty painter of *men in masses*, and on some of the principal groupes and figures in his richly furnished gallery. Another writer, of whom we should have to say too much if we said as much as we ought, is Plutarch. His Lives abound in matter for the student of the constitutional history of Greece. We need only mention the names of Themisto-

cles, Aristides, Cimon, Phocion, Demosthenes, Dion, Demetrius, Timoleon, Aratus, to remind the reader that he has recorded the services of most of the great men whose lives were an era in history, and whose achievements, civil and military, have identified them forever with their times and their country. His Nicias, for instance, is, with a view to the spirit of the Demus, a perfect study. The principal materials, used by Plutarch in his portraiture of that unfortunate general, are indeed drawn from Thucydides, whose account of the Sicilian expedition we have already mentioned as an unrivalled narrative, but, the biographer, in the exercise of his peculiar privileges, has added touches of character, and little expressive circumstances, not to be expected in a general history. You are made familiar with that poor victim of demagogy and superstition, passing his whole life between the dread of the mob and the fear of the gods, and wasting the produce of his large fortune in perpetual *sacrifices* to both—whose timidity, in Plutarch's language, was as sure a resource to the bad, as his benevolence was to the good—so anxious about the future as to keep a prophet of his own, with a view especially to the preservation of that great estate, which was the source of all his troubles, and by the most lavish use of which, in popular largesses and princely magnificence, he sought to propitiate envy and only invited aggression—grave, domestic, sober, regular, laborious, retiring, yet continually overwhelmed with public affairs to that degree, as to leave himself not a moment for serving, or even for seeing, his most intimate friends—as successful in the outset as he was unfortunate in the close of his career; yet seeking to avoid odium, (his evil genius,) by ascribing all the honor of those successes to the gods, and suffering the demagogue Cleon, to reap the well-earned fruits of his ability and perseverance at Pylus, by yielding to him the command in the very moment of victory—all his life, the slave of his own power, a shadow of greatness, "an unreal mockery" of state*—at Syracuse refusing to withdraw from an expedition he never approved, and then become utterly hopeless, because he feared the people more than the enemy, and preferred dying by the hands of the latter, "with his harness on his back," to being judicially murdered by the former; and when he had at length resolved to seek safety in retreat, prevented from effecting his purpose, and detained for certain destruction, by an eclipse of the moon.

But this Life is not merely instructive as showing the character of a man, whose very weaknesses, especially in his abject superstition, were perfectly Athenian; the biographer has been

* He applied to himself, says Plutarch, that of Agamemnon:

"Προςάτην δὲ τοῦ βίου
Τὸν ὄγκον ἔχομεν, τῷ δ' ὄχλῳ δουλευόμεν." c. 5.

even more than usually communicative on the subject of the Demus itself. He speaks of all those characteristics that made it such a constant object of dread to Nicias, and, in general, to the rich and the educated. He mentions the ostracism, with its origin and objects; he tells us of the aversion of the people for great talent, which it used, but always suspected, hated, and persecuted—and of its especial horror of philosophers, and their blasphemous and atheistical babble about second causes—as witness the fate of Anaxagoras. We have there, too, a portrait of Cleon, with his brazen front and iron lungs, the first of the demagogues, who, forgetting the dignity and decorum of Pericles and the older orators, ranted furiously and moved about upon the Bema—at once the butt, the bully, and the bubbler (to use an expressive old word) of the populace. Neither has he forgotten the profligate policy of Alcibiades and Hyperbolus—nor the arts by which they and other demagogues controlled public opinion, and created constructive majorities, by operating upon the selfish hopes and fears of men, and by artfully turning to account the silence of the timid and the scruples of the wise, and speaking and acting for all who were not bold, or ready, or able, or knowing enough to speak or act for themselves.

The orator, or rather, rhetorician Lysias,* who was born of Syracusan parents, at Athens, about the third year of the eightieth Olymp. (A. C. 458,) and lived to be eighty, is a most precious witness to the daily practices and the true spirit of the democracy, in which he was one of the *confessors* in the time of the XXX Tyrants, and one of the most faithful champions always. Of his innumerable orations, written in a style which has ever been celebrated as a model of the purest Attic, we still possess (supposing them to be all genuine) thirty-four. Most of these were composed to be spoken by others in their own defence, according to the practice of the Athenian courts. They are, therefore, the very words addressed to the popular tribunals by an experienced, able, and most successful advocate, whose political orthodoxy is above suspicion, not in the heat of extemporaneous discussion, but with the art and the forecast of deliberate composition, and reveal, as perfectly as any thing can, the spirit and character of their judicature. They present, accordingly, a frightful picture of judicial tyranny. Were they not unquestionably what they profess to be, they might easily be taken for irony, far more pungent even than Xenophon's in the treatise referred to above. The topics dwelt upon in them are just such as, from Aristotle's account of the structure and composition of the courts, as well as from all the other testimonies cited, might be expected to be urged. We see that even Aristophanes has

[* He was an ισοτελης. Wolf ad Leptin. 363. n.]

exaggerated in nothing—but the masks and the costume. A people to whom such language could be addressed, we do not say with success, but without exciting the deepest indignation, were no better than a horde of Usbecks or Algerines. To call such a system of open plunder, and arbitrary, iniquitous, inquisitorial despotism, the administration of justice, were blasphemy. They had lost all sense of justice, all moral sense. These orations are an everlasting monument of their dishonor; every topic in them is a stain, every compliment an outrage, every prayer* a curse. Fouquier Tinville himself would not have tolerated such language, for after all, your high Jacobin was a sentimentalist, and had a sort of decency in crime. What the orator makes his client say in one of these pleadings is true to the letter. The demagogues and sycophants, he affirmed, had led the democracy into a course of conduct identical with that of the XXX Tyrants, one of whose plans for raising the wind had been to seize some twenty or thirty of the rich metics, (or resident foreigners,) and murder them judicially, with a view to the forfeiture of their estates.† Lysias and his brother were among the victims marked out by these—the latter perished, but the orator fled to the patriot standard under Thrasybulus, and returned with the exiles in triumph.

In these pleadings, the court is always addressed as those who were personally interested (as they indeed were) in the event of the cause, and had the largest discretion to dispose of it as they should judge best for their own advantage.‡ The solemnity of the oath prescribed to them, the supremacy of the law, so indispensable to what ought to have been a government of laws, the responsibility of their high function, the vital importance to society of the administration of justice, which Hume affirms to the only end of all its other institutions, however complicated and imposing—these are considerations beneath the dignity of a sovereign, that would bear no restraint, and was bound by no obligation and no duty. The Heliasts, it is evident, regarded themselves, and were regarded by others, not as a court, but as a commission—they were armed with all the powers of the assembly, whom, in a corrupt practice,§ though not in the true theory of the constitution, they represented, and their judgment, like a vote in the Ecclesia, was *quod postremum jussit populus*, and the supreme law. Their decrees were without appeal, and a former acquittal was no bar to another action or indictment. Accordingly, one of the considerations, most frequently addressed

[* Persuasive—Danton "aussi nous ne le jugerons pas nous le tuerons."]
[† Aristoph. Eq. 770. seq.]
[‡ Here Demosthenes in general superior, tho' some topics bad and base. See Κατα Μειδ. νς', seqq.]
[§ See Aristoph. Vesp. 600 seq.]

to their favor,* is that the accused, or those he represents, have lavished their fortunes, by the various Liturgies, upon the public, and this is a topic continually occurring, not only in these speeches, but in those of Isæus also.† Another akin to it, is that the judges would be more benefitted by the property of the defendant, if left to be managed by him in trust for the people,‡ (for that really was the true description of the case of every man of substance, he was compulsorily the steward of the poor,) than if confiscated and wasted at once. This happened to be really the fact, and was no doubt some protection to the more opulent classes, so long, at least, as by magnificence in their style of living,§ and the performance not only of the liturgies imposed upon them by law, but of many more voluntarily incurred, they made it quite evident, to their jealous *cestuy que trust*, that he probably had the full benefit of the fund. The consequence of this strange tenure of property, however, was that the rich lived under perpetual *surveillance* in regard to the use of their fortunes, and, when the day of confiscation, or heavy contributions in the shape of discretionary fines, came, they were called to account, as rigidly as a fraudulent bankrupt, threatened with the galleys, for the manner in which they had got rid of their supposed assets.‖

A very curious instance of this, and one highly illustrative of this part of the subject, is the case of the estate of one Aristophanes.¶ The property of this man, who was supposed to be rich, was confiscated, but, as it turned out to be far less than was expected, the Demus, suspecting some foul play, called the next of kin of the deceased to account for this unlooked for deficiency. The defendant ventures to complain of it as a very hard case, that one, who had nothing to do with the affairs of another and knew nothing of them, should be held to explain them at his peril. How was it possible for him to answer, *item by item*, on an account of the sort? On such a day, your relative received so much from such a banker, or ship-owner; what is become of it? He was *reported* at such a time to have in his possession a large fund; where is it? Was he his brother's keeper, or even his book-keeper? It was evident no man could meet such a responsibility; and we are not surprised to find him adding that the sycophants (prosecutors) had been the ruin of many an honest man in that way. He reminds his judges, that they have always been disposed to overrate people's fortunes on

[* Plut. Demosth.]
† Isæus. Περι του Φιλοκτημονος κληρου. 13. Lys. [Demosth. κατα Μειδ.]
[‡ Δημοσθ. κατα Αφοβου expressly.]
[§ See the plan of reform Ecclesiaz. 412–25.]
[‖ Aristoph. Eq. 921. seq.]
¶ ὑπερ τῶν Αριστοφαν. Χρηματ.

mere report, and illustrates it by the case of Alcibiades, who, after being in command of the army for four or five years, and having received from the allies twice as much as any body else, so that many thought he had at least one hundred talents, left, after all, less to his children than he had received from his guardians when he came to his estates. So, he adds, should you confiscate the property of Timotheus,* "though God forbid it should be done unless for some great benefit to the state," and get less by it than you have from Aristophanes, would you call on *his* next of kin to make up the deficiency? Certainly not. Why? Because Conon's will, made at Cyprus, shows clearly he owned but a very small part of what you imagined him to possess. All this would seem quite conclusive enough, but the defendant knows the law and its interpreters too well to confide in the justice of his cause. He, accordingly, reminds them how little they ever received from confiscated estates, which were instantly plundered and dilapidated as by a foreign enemy, the very doors being torn from their hinges—and yet no poor man got a decent dividend out of the fund, while, in that particular case, by taking care of the property, no less a sum than a thousand drachmas had been actually paid into the treasury! He farther insists upon the merits of his own father in the use of his fortunes, of which, reserving for himself and family barely wherewithal to furnish them with the necessaries of life, he had constantly spent the income on all sorts of liturgies to oblige the people, and *that* without any selfish object whatever. He had not, like so many others, laid out his own money in order to indemnify himself by offices obtained through the popularity he should thus acquire—he had sought no reward for his magnificence in keeping so many horses, and for his triumphs at the Isthmian and Nemean games, but the honor of the state.

We will just stop to remark here, that if M. de Tocqueville finds the social freedom of the people of the United States so inconveniently restrained by what he alleges to be the censure exercised here by all over all, what would he have said of the system of prying, inquisitorial *surveillance*, revealed in this pleading of Lysias? Nay, what would he have said of the whole constitution and being of an ancient commonwealth, which, as we shall presently show, allowed of no social liberty or personal independence at all? But this by the way.

In other orations, Lysias harps upon the same string. In his defence of some one, accused of bribery†—an admirable pleading—his client is made to repel the charge by reviewing the

* ὃ μὴ γένοιτο εἰ μή τι μελλει μέγα ἀγαθὸν ἔσεσθαι τῇ πολει. Ζ. Timotheus was their great general of that name, son of Cimon.

† Απολογια Δωροδοκιας απαράσημος.

whole tenor of his past conduct, and showing how devoted he had been to the public service. He begins, as usual, with a list of the liturgies he had performed, three fourths of them entirely voluntary.* His galley sailed so much better than any other, that Alcibiades would have her as his flag-ship, which, he takes care to add, he could not prevent his doing. He then reminds the court, that the public revenues were so fallen off, through mismanagement and peculation, that voluntary liturgies were almost the only resource left to fill up the deficit, therefore, if they were well advised, they would not care less for the fortunes of the defendant, than for their own, knowing that they would always, as heretofore, have the use of them to any extent. And for the management of the estate, he adds, none of you can doubt that I shall make a better steward (ταμιας) than they who administer your finances. If you deprive me of my property, you will not enrich yourselves; you will only give up this fund to be squandered and dissipated like every other.† You had much better give me yours than take mine. I have lived with the strictest economy that I might have the more to spend on you, and hold my fortune only to your use—that very fortune which exposes me to the persecutions of sycophants.

We should be giving to this part of the subject a disproportionate extent, were we to make abstracts of all the pleadings which throw any light upon it; but there are two or three others to which we feel bound to call the attention of our readers. One of these is the speech against the corn-dealers. Athens depended on foreign importations for no less than a third of the bread she consumed. It is not, therefore, to be wondered at, considering the tendency of ancient legislation to regulate all the concerns of society, and their comparative ignorance of political economy, that their corn laws were a very important part of their police. Accordingly, very severe penalties were denounced against every thing calculated to diminish the supply of so necessary an article. Engrossing (beyond a very moderate and defined quantity) was punished with death; and since the persons engaged in the trade were usually metics and foreigners,‡ (the Jews and Lombards of that day), we may be sure that the public informers would not be excessively indulgent with regard to them. The pleading in question is a curious and instructive proof of this. The prosecutor begins by formally excusing himself for having seemingly taken part with the corn dealers, because, when some of the senators proposed that they should be immediately and without a hearing delivered over to the executioner, he, thinking such a procedure rather

[* Isæus περὶ του Νικοστρατου κλήρου.]
[† Aristoph. Vesp. 1100.]
[‡ Aristoph. Eq. 347.]

harsh, moved that the usual course of trial in the courts should be pursued. He was determined, however, not to lie under such an imputation as that of being a patron of forestallers and regraters, and so, to show his zeal, undertook to play public accuser on the occasion. The defendant pleaded an express order from the Archons, *sed non allocatur*. The authority of those magistrates to dispense with the law was denied, and many precedents referred to, in which the courts had displayed the greatest severity against all suspected of even winking at that nefarious traffic, and had condemned the accused to death, in spite of all his evidence to establish his innocence.

In the short speech against Epicrates and his colleagues, for malversation in an embassy, we find the accuser urging the people to make an example of the defendants, because they had influence and ability in public affairs. What signifies your severity against the feeble and the obscure, when the orators, who are continually shocking us with the display of large fortunes suddenly amassed by plunder, secure to themselves by their eloquence or their intrigues a perfect impunity. It was, it seems, come to such a pass, that, instead of being punished for their notorious robberies, the Demus was grateful to them for being let in for ever so small a share of the spoils.* Here, too, we find a violation of all sound principles of judicature, and all the guarantees of the rights of the individual, openly pressed upon the people. To be sure, it seemed to be excused in that case by the *lex talionis*. These sycophants, says the orator, are in the habit of telling you, when they prosecute any unfortunate man unjustly, "If you do not convict, you will have no fees." Even a topic so flagitious, however, scarcely justifies his urging the assembly, as he does, to allow the offender no trial, which he alleges to be superfluous, where the court is already convinced, and the crimes are notorious !†

The only other oration of Lysias, which we will especially recommend to the attention of our readers, is the fine defence of some one who, having remained at Athens during the reign of the XXX Tyrants, was accused, in spite of the amnesty, as one of their accomplices.‡ It deals in the usual topics, but, besides these, it presents a very lively, and we have no doubt, perfectly true picture of the infamous courses of the demagogues and sycophants, both towards the allies and the citizens of Athens. He might well affirm that, had the XXX Tyrants confined themselves to the punishment of those wretches, the country would have had cause to rejoice in their severity. They played, indeed, under the authority, and in the name of the people whom they

[* Aristoph. Vesp. 655 seq. in point especially, 671 682-5.]
[† Aristoph. Eq. 1355. and see Ib. 1354-69 Vesp. 655. seq. and 921.]
‡ Δημου Καταλυσεως Απολογια.

misled, exactly the part of those tyrants. Oligarchy had twice been established in hatred of them, whose misrule was so intolerable that people sought a refuge from it in any form of government. Nor are *they* so much to be blamed for their tyrannical outrages as you who permit them, and who call that *democracy* which is the arbitrary power of a few making war, through your judgments and decrees, upon all who will not lie down quietly and be fleeced by them. "The true democrat, is he that obeys the laws and reverences an oath." In short, this exposure of the attempts of the demagogues to re-establish their former odious supremacy, and to plunge the city once more into the guilt and folly which she had scarcely expiated by so many years of suffering and adversity, is one of the most instructive lessons of Greek history.

So much for Lysias. His contemporary, Isocrates, whom we have had more than once occasion to mention, and whose oratory was principally of the panegyrical kind, is, of course, upon the whole, far less important to us as an authority on the subject of constitutional history. Yet there are several of his productions that deserve particular attention. The two most instructive for our present purpose are undoubtedly the Areopagitic and the Panathenaic orations. We have been ourselves very much indebted to these elaborate compositions, in forming our own views of the government of Athens. The latter especially is the more remarkable, as having been begun in the ninety-fourth and finished in the ninety-seventh year of his age. But our limits do not permit us to do more here than observe that the decay of morals, and, of course, of law and liberty, was constantly progressive during that whole period, and that, when he contrasts the end with the beginning of the century, he speaks with the authority of an eye witness, whose whole life had been devoted to the study of wisdom and the observation of life.

The most superficial glance at the works of these and other Greek writers will satisfy every one, accustomed to consider such subjects, that the citizens of Athens, and those generally of the democratic commonwealths of Greece, had none of the guarantees secured to us by our American constitutions. They were particularly unprotected in the two points in which the action of government is most sensibly felt, both by society and by individuals, taxation and judicature. These were both, in practice,* (we speak of later times,) almost entirely arbitrary. As to the former, Solon had subjected the higher classes to proportionably heavier burthens than the lower; but this inequality was compensated by a corresponding superiority in political power and influence. As the democratic, or rather demagogical interest,

[* Böckh.]

became more preponderating, this, like every other balance, was overturned, and the burthens of the rich were increased, while their weight was less and less felt in the administration of affairs until they seemed to exist, as we have seen, only for the use of the many. It was not before the fourth year of the Peloponnesian war, that extraordinary contributions—afterwards such a source of vexatious oppression to the wealthy—were resorted to by the State. It soon grew into a system, in comparison with which, ship-money and stamp-acts were mere trifles.

Their administration of justice was quite as bad;* they had no idea, or at least a most imperfect one, of the necessity of separating the three great departments of the government, upon which the school of Locke, and the English and American Revolutions has, not without reason, laid so much stress. Aristotle, indeed, saw this truth, and distinctly treats of it; but even *he* does not draw the line between the different functions with sufficient precision.† He would have the popular assembly, for instance, to act as a court of justice in some cases of the greatest importance, the very ones in which it would be most liable to be misled by passion. And although the books, not only of the philosophers, but of the historians, the orators, and the poets,‡ are full of allusions to the empire of the law, and to the liberty that bows only to it, yet the idea of a judge, independent of the legislative and executive powers, by a permanent office and a fixed salary—a principle now become almost universal in Christendom§—never entered into their heads. Not only so, but the Roman institution, attended with such admirable effects, both in the administration of the law, and in the cultivation of it as a science, of a single prætor expounding the rule to a jury charged with the application of it to the facts of the case, was unknown at Athens. Their tribunals were mere mobs,‖ composed of hundreds sometimes of thousands of judges, where all sense of individual responsibility was completely lost. The general assembly, (ecclesia) was not regularly a court, but it exercised judicial powers in extraordinary cases, such as the trial, or rather murder of the generals, already referred to, and those exceptions were too frequently occurring. Its conduct on such occasions was, of course, perfectly arbitrary. Bills of attainder, *ex post facto*, and laws violating the obligations of contracts, were passed in the shape of judgments or special decrees, without the least hesitation.

[* See a most instructive passage, Demosth. κατα Τιμοκρατους, λϛ'.]

† Pol. IV. 14. The popular assembly to be charged with war and peace, *capital cases*, ευθυναι, etc.

[‡ See the elegy of Solon in Demosth. περι Παραπρεσβειας οϛ'. and the same orat. κατα Μειδ, ξδ' et passim.]

§ Nay, it exists even in Turkey for the Osmanlis. Thierry. Dix ans d'études Historiques, 241-3.

[‖ Dem. κατα Μειδ, ξβ'.]

It is true that, in Solon's plan, or as Isocrates affirms, in the old constitution, transmitted from the age of Theseus, and only burnished up and modified by the great lawgiver, there were some restraints attempted to be put upon the sovereign power, in its various functions.* The Areopagus, for instance, was clothed in a very high censorial authority, and had a controlling influence, if not an extensive jurisdiction. None could be a member of this senate without having been an archon, and, until the time of Aristides, none could be an archon but a member of the first class of the timocracy of Solon. So that law-giver provided for amendments in his institutions, but the *initiative* in these reforms was given to certain select and sworn *nomothetæ*, on whose motion alone the assembly was allowed to make any fundamental change. So that the law was to be paramount to its decrees. In like manner, so far as we may rely on our knowledge of their very complicated judicature, the Heliœa, out of which their various tribunals were formed, was destined to perform in some degree the functions of our courts, by maintaining the supremacy of the same fundamental laws over the decrees of the assembly. This was a body of six thousand jurors, drawn from the whole mass of the citizens, and divided into ten different colleges or courts, who were all to be above thirty years of age, and charged under oath with the trial of causes. A demagogue might thus occasionally, like a minister of the crown in constitutional monarchies, be made liable before this select body for measures adopted, on his motion, by the whole people in the general assembly. We have examples of a threat of prosecution held out to deter the making of such motions, and a famous instance of it occurs in the law of Eubulus of Anaphlystus, against the repeal of the *theorikon*, to which Demosthenes, in his philippics, alludes with so much dissatisfaction, and which he succeeded in causing to be abolished, only after the defeat at Cheronea had rendered the repeal of it entirely unavailing to any good purpose. In these and other provisions of Solon, we see that reverence for law as a fixed and sacred rule of action, both for the government and for individuals, without which there can be neither liberty nor order, and which the genius of Plato has so beautifully illustrated in the last conversations and death of Socrates.† But these ideas were in later times confined to the few—they gradually ceased to influence the conduct of the people, whose will came to be regarded as the only law—and it is plain from the authorities we have vouched that no Turkish bashaw ever exercised over the rajahs, abandoned to his barbarous despotism, a tyranny more petulant and arbitrary, than that of the Athenian Demus.‡

[* For Solon's legislation, see Orat. contra Androt. from 10 to 19.] †Crito.

‡ See Demosth. κατα Μειδ. νὼ' νβ'.

The restraints which modern society has imposed upon itself, in the exercise of its sovereignty, are only an acknowledgment of the fallibility of man. In our own republican institutions, this self-denial has always struck us as something sublime. All absolute power, if allowed to act on sudden impulses, will and must be tyrannical; nor does it in the least signify by what name it is called, except perhaps that the galling severity of the bondage is in proportion to the number of the masters. Republican government is *ex vi termini*, a government of laws, not of men—that is the old Roman definition, and it is the only description of rational liberty, or indeed of civilized society. It is a government of reason, not of passion—of rule, not of will, and of duty, not of caprice; in short, it is limited and legal, not arbitrary power. Accordingly, all the checks which our constitutions impose upon the legislative department, all the securities by which they guard the liberty, the lives, and the property of the people, in the making or the administration of the law, are designed to prevent hasty conclusions, and the prejudging of important questions—to insure in all things an examination, as far as possible, without fear, favor, or affection. In the true spirit of Christian humility, the most sublime of all virtues—the people have taken care that they shall not be led into temptation by that omnipotence which God alone may not abase, and reserving to themselves ultimately an absolute control over their own destinies, have practically restrained the exercise of their sovereignty, by withholding from their agents some of its highest attributes. But the democracy of Athens, whatever was its original constitution, became, after the death of Pericles, the lawless, furious despot, depicted by Aristotle. It became impatient of every restraint or delay in executing its purposes. It was surrounded by swarms of flatterers and parasites, who spoke to it of nothing but its perfections and its infallibility, its power to dispense with all laws, and its "divine right" to do any wrong. The base sophist, who, when consulted by Alexander on the justice of a measure, answered, that it was just, because he willed it, would unquestionably have held precisely the same language to the mob at Athens. Demades is a case in point—Antipater had about him no flatterer so abject and unscrupulous as that prince of democrats under the popular régime—just as the fiercest Brutuses of the directory became the vainest counts of the empire.*

What should we think of being compelled to reside in a small community, deciding in the weightiest matters upon the spur of the occasion, incessantly excited by unprincipled agitators, living by forfeiture, and confiscation, and plunder, without a press, without a constitutional barrier or guarantee—without a magna

* Somebody had a favor to ask of Merlin of Douay, then in exile under the Restoration—"Be sure, said a friend to him, to address him as *M. le. Comte.*"

charta or *habeas corpus* act—without a grand jury or a petit jury, subject to challenges to the array and to the polls—without any definition of high treason, and therefore with multitudes of constructive treasons—where there was no safety for persons or papers—where no man's house was his castle—where there was no appeal, no plea of *autrefois acquit* or *convict*—no prohibition of exorbitant fines, and cruel and unusual punishments—where not only there was *no provision for equality in taxation, but inequality was a principle and a system**—where slaves were continually tortured to give evidence against their masters, and masters themselves were not always exempt from the torture of the slave—where instead of judges there were commissioners—where private property might not only be taken for public use without compensation, but was habitually treated as if it were public property, unduly appropriated by the private holder—where no bills were required to be read three times in two houses, and where the departments of government were all confounded in one tremendous mass of arbitrary power—where exceptional legislation, bills of attainder and *privilegia* of all sorts were of every day's occurrence—where, in short, there was no time for reflection, no *locus penitentiæ*, but the decrees of a passionate and tumultuary mob, misinformed, misguided, superseding all laws and constitutions, were carried into instant execution? The terrible effects of this blind precipitancy are seen in many famous passages of Athenian history—as, for instance, in the case of Socrates, and in that of Mitylene, condemned on the motion of the bloody Cleon to massacre and slavery, and saved by a hair's breadth 'scape, on the second thought of the multitude.† As to constructive treasons, Tacitus gives a fearful account of them in the use made of the *lex majestatis* under the dark and jealous despotism of Tiberius, and Montesquieu well remarks that uncertainty on that single point is enough to make a tyranny of any government.‡

The restraints, we have just enumerated, were long the peculiar privileges of the English race; and yet, strange to say, most

[* Pollux VIII. 6. Harpocrat. εισαγγελια—Stricto jure there was—res judicata, locus classicus Demosth. προσ Αεπτιν λβ'. Id. in Timocrat. p. 717. R. ed. Terence Phormio III. 2. 58.]

† Thucyd. III. 36. So Euripides generalizes:

Οταν γάρ ήβᾶ δῆμος εἰς ὀργὴν πεσών
ὅμοιον ὡςε πῦρ καταβέσαι λαβρον,
εἰ δ' ἠσύχος τις αυτος ἐντεινοντι μὲν
χαλων ὑπείκοι, etc.—Orest. 696, sqq.

What a dupe for a demagogue, what a terror to the desolate and oppressed—a sovereign multitude, so passionate and impetuous.

[‡ As to torture, which Demosthenes says is the best evidence, see a loc. class. (Andocid. 22.) in his speech against Onetor.—But see Æsch. κ. Παραπ.

of them were of Norman, *not* of Saxon origin. Magna Charta, which embodies the greater part of them, was merely a feudal charter.* Chancellor Kent, in his valuable Commentaries, cites an analogous example from Danish history, on the election of one of their kings in 1319.† There is nothing surprising in the coincidence, since the great charta, as Lord Coke affirms, was simply declaratory, and we will add, declaratory of the common law of feuds. There is, with the exception, perhaps, of the provisions made for the protection of commerce, and some minor provisions, nothing in it but what every vassal had an undoubted right to exact of his suzerain. The great peculiarity of it was the commission of twenty-five barons, charged with seeing it executed, and authorized to levy war on the king for a breach of it. Even this was no new thing in principle, for every vassal, in case of violation of the feudal pact, might right himself, if he could, by force. But the peculiarity, just mentioned, consisted in the *concerted action*, the *community of interest*, ascribed to the whole body of the king's tenantry, including the church, under its Kentish chief, and the city of London as a corporation. This was the foundation of a *public*, a *nation*: and it was what existed no where among the feudatories of the continent. It was in derogation of the solitary, self-dependent, exclusive spirit of the Feud, and produced effects of the most salutary kind in England, as her constitution developed itself. But in the provisions and guarantees of Magna Charta, the people at large, the many, the vast majority of the nation, in short, the conquered Anglo-Saxon race, had no interest, with the exception of the few holdings left in the hands of the original proprietors at the conquest, and with the farther exception of their interest in the church, and in the city of London. We say the church, because it was the sanctuary and the refuge of the oppressed races every where, and was, in fact, *the democratic element of society in the middle ages*. We say the city of London, because it was as a body politic and an artificial person of great political power, that it took part in those proceedings. With these exceptions, *magna charta* was, *originally*, the work and the bulwark of the Conquerors only. The Norman barons were like all other barons, a peerage, and the king, as their lord paramount, only *primus inter pares*. It was the great cardinal principle of the system that the vassal was bound to no service or aid, not expressed or necessarily implied in his compact. When applied to for help by his lord, Shylock himself never asked more grudgingly, "is it so nominated in the bond." The usual incidents of tenure were well defined, and of small account, unless abused—but for all extraordinary aids and subsidies, the suzerain was

[* See Liber Deudorum.]
† v. II. p. 8.

absolutely dependent on the good will and pleasure of his feudatories. They were not even bound by the vote of a majority in the lord's court—the feudal system did not recognise, in strictness, the rule of a majority governing*—each granted for himself, and he appealed, if his lord demanded more of him, or were guilty of any other encroachment, to his sword, or his peers. There never was a fiercer spirit of liberty than animated this military democracy among themselves, or in relation to their territorial (for so alone they were) superiors. They were the worst oppressors to the conquered races—Saxons or Gauls. The former were forever crying out for the laws of Edward the Confessor—long in vain—for since the days of the Dorians at Sparta, and their Helots and *periœci*, never was there such a frightful scene of tyranny as that of the Normans in England for upwards of a century after the conquest. But the same spirit of violence and lawlessness, which made them such intolerable masters, made them rebellious vassals. It was that race, who, holding all the lands by the only noble tenures of knight service and the like, were the *liberi homines* of the great charter; a happy *équivoque* that as the *pomœrium* of the city was enlarged, was easily interpreted so as to take in all freemen of whatever origin or description. This is, indeed, a memorable instance of the manner in which Providence often uses the worst things as instruments to bring about the best ends.†

That this feudal charter, thus generalized, should be in process of time the solid basis of the freest and best institutions the world has ever seen—that this treaty, stipulating for the protection of the haughtiest privileges, and extorted by proud Norman barons, in arms against their chief, should be found so comprehensive in its language and provisions as to include as well the poor oppressed Saxon, as soon, that is, as he ceased to be poor, and would no longer consent to be oppressed, is a striking fact, and yet nothing is more certain—indeed nothing, when it comes to be examined, will appear more natural.‡ England is the nation of Europe whose laws, whose manners, whose whole constitution of society, have been most thoroughly penetrated with the spirit of the feudal system. Yet the same England has built upon her feudal principles, and animated with her fierce feudal spirit, a body of laws, to which a foreigner,§ author of a work dedicated to a comparative analysis of the Judicial Institu-

[* Hist. Const et administ. de France Ch. 4.]

† On this subject we refer generally to Thierry, Dix ans d'études, &c.

[‡ Barrington's Stat: 2-5, at p. 48, one of the old Chroniclers says they carried their point—evaserunt totidem tyranni.]

§ Meyer, Institut. Judiciaires des principaux pays de l'Europe, v. II. p. 298. He is quite enthusiastic, and very naturally so, all his readers will confess, upon les grands avantages qui assignent à la législation de la Grande Bretagne, le premier rang entre celles de toutes les nations policées.

tions of Europe, has not scrupled to assign "the first rank among those of all civilized states"—that glorious common law, which, transplanted into a new world, has been allied to the only perfectly democratic constitutions that have ever existed, and has for two hundred years given us that for which Sydney bled, *sub libertate quietem*—which has protected person and property as they never have been protected elsewhere, under which the humblest cottage is, in the eye of the law, a tower of strength and an inviolable sanctuary, which "the winds may whistle through, and the rains of heaven may enter it, but the king of England cannot."* We are fully aware how many causes of a most peculiar kind conspired to produce that marvellous system of liberty and justice, the common law, but beyond all doubt the mighty spirit and the great outlines are in Magna Charta—and that charter was the common law of the feudal aristocracy. But it was an aristocracy only as compared with the conquered races; within itself it was a democracy, jealous to excess (the more jealous for being a superior caste) of its privileges.† In short, their situation was, in this respect, exceedingly analogous, as we shall presently show, to what are called the republican and democratic states of antiquity. In both cases it is from a high and exclusive aristocracy that the precepts and maxims of liberty have been derived, for the benefit of ages which know how to maintain liberty without the help of aristocracy.

The application of these remarks to the subject before us, will be made apparent in the sequel, and we will just add that another characteristic of modern society, of which we shall have more to say hereafter, may be traced up to the same institutions. We mean the spirit of *individuality* that pervades it, the tendency to *isolation* and *égoisme*, the notion that governments are made for the citizen, not the citizen for government. *L'état c'est moi*, is the language of modern civilization. We shall by and by see that the Greeks thought differently; but in the mean time we will only observe, that all the establishments of the feudal times were a nursery of this spirit of refractory independence. The solitary castle, fortified against the law, as well as against violence; the gauntlet thrown down in defiance to the opposite party, nay, to witnesses and judges—the right of private war and wager of battle, with their fruits, the duel and the point of honor. In these, as well as in other respects, modern society has been thoroughly imbued with the spirit of the feudal aristocracy, or, rather, of the military democracy formed by the Teutonic conquerors of Europe.

When we read the accounts transmitted to us from so many different sources of the highest authority, of what the Athenian

* Lord Chatham on the case of general warrants.

[† Demosth. of the Spartans, πρὸς Λεπτιν κγ'.]

democracy became so soon after the Persian war as the death of Pericles, and what it continued to be as long as it existed at all, one is almost, as Mr. Hermann observes, at a loss to conceive how it could have maintained its institutions, in their essentials, at least for a period of two centuries, and have given to them the consistency of a regularly organized and highly influential system. Nay, we go a step farther, as we profess ourselves of that school which has no great confidence in what is called the science of politics theoretically considered, and are always disposed in matters of government, to judge the tree by its fruits, our attention is forcibly struck by the unquestionable fact, that not only was the love of the Athenians for their democratic constitution a deep rooted and ardent passion, but that the glory and prosperity of the state under that constitution seemed fully to justify their love.* The evils of popular government, as Machiavelli remarks, appear worse than they really are. There is compensation for them at least in the spirit and the energy it awakens. The *vis medicatrix* of a robust nature enables it to overcome diseases which would be fatal to the feeble, the inactive, or the dejected. This vitality and vigor of republican government, which triumphs over disorder, and resists, for a while, even corruption, has been remarked at every period of its history. Modern authors, Bettinelli, for instance, express the liveliest surprise at the prosperity and progress of the disorderly little commonwealths of Lombardy, in the eleventh, twelfth, and thirteenth, centuries, amidst all the storms which they had to encounter from within and from without.† It seems difficult to imagine how, in a state of things so nearly verging upon the state of nature or downright anarchy, civil society could flourish, industry accumulate wealth, the face of the country be covered with improvements, and its resources of all sorts be multiplied exceedingly. That this was the case in Attica, up to the period of the Peloponnesian war, is universally admitted. We have to that extent the express testimony, delivered, too, with emphasis and admiration, of Herodotus.‡ We have that of Pausanias, in a later age, more generally given, and rendered more remarkable by his admitting the prosperity of Athens, while he affirms it to be an exception to the usual effect of democratic rule,§ and the

[* See a remarkable passage in point, Demosth. προς Δεπτινην. κλ'.]

† Risorgimento d'Italia, 1 v. . 183. It is quite a dissertation. Mette orrore la storia di quel tempo, che par quella delle tigri e degli orsi; yet arts, commerce, schools, population, industry, agriculture, flourished. 188.

‡ Hèrod. V. 78. δηλοῖ δὲ οὐ κατ' ἓν μοῦνον ἀλλὰ πανταχῇ, ἡ ἰσηγορίη ὡς ἔςι χρῆμα σπουδαῖον. The expression ἰσηγορίη is remarkable and characteristic of the Greeks—like παρρησια so often used as synonymous with liberty in general.

§ Pausan. IV. 35, 3.

unrivalled intellectual glory of the "Demus of Erectheus" is there to speak for itself. The former of those writers points to the start in the career of wealth and power, which that people took as soon as they had overthrown the tyranny of the Pisistratides as a proof how excellent a thing equality is, for to that alone he ascribes the change. What makes their brilliant history the more striking is the singular contrast it presents to that of Sparta, blessed, according to most of the philosophers, with a polity approaching almost to ideal perfection. It is true, periods of undisturbed order and happiness do not furnish the most interesting annals. Yet a repose too deep and too long is a sort of moral death; and what do we know of Sparta, but through the history of other states, and chiefly of her rival? Until the time of Brasidas, who figured for a brief moment in the Peloponnesian war, she never produced even a celebrated general; and Thucydides strikingly remarks, that were she then to pass away, like other empires, she would leave no monument to show what her grandeur had been, while Athens was covered all over with the trophies of genius and power.* And, in truth, what monument of her art has been celebrated among men? what mind, in after times, has been elightened by her wisdom? what bosom awakened by her eloquence? what ear charmed by the harmony of her song? A few laconic apophthegms is all we have to show how the Greek nation, *par excellence*, the city acknowledged by all contemporaries as the head of the Grecian world, thought, felt, and spoke. While her rival, with her crazy constitution and her perpetual disorders, was the seat of civilization, "native to famous wits or hospitable"—those very wits by whom she is so unanimously painted as the mother of anarchy and misrule,—and from her mouth have issued forth

> Mellifluous streams, that watered all the schools
> Of Academics, old and new.

Her superiority in this respect, which has been celebrated by later times, in every form of eulogy, does not escape Pericles in the panegyrical orations ascribed to him by the great historian, and there is another praise which he justly claims for the capital of democracy. Not only was she crowned, at home, with prosperity and glory, but, although continually guilty in her federal relations of flagrant injustice, and often of most barbarous and bloody cruelties, yet that city was, as he alleges, compared with the rest of Greece, the school of *humanity*, and of fraternity among nations. This spirit is, in its perfection, the peculiar characteristic and the great triumph of christianity. The opening to the whole earth of the doors of the temple, hitherto closed upon all but the descendants of Abraham, was the work of the

* L. I. c. 10.

"Son of Man," and the apostle of the gentiles was emphatically *the* evangelist of a New Dispensation. All antiquity was influenced by a bigotry of race, more or less intense and exclusive. The Spartans were even more remarkable than the Jews, for their aversion to foreigners, and their avoidance of all commerce with them (ξενηλασια.) Rome was only comparatively, not absolutely free from this prejudice. But generally speaking, in the ancient world, citizenship was an affair of *race*, and, in more senses than one, the boundaries of the state and of the world were the same *spatium est urbis et orbis idem*. Athens, too, admitted to the privileges of the commonwealth only those born of parents both of whom were citizens, and who had been united in lawful marriage; but the rule was not enforced with so much rigor as elsewhere, and many special exceptions were made to it. Then her maritime position and habits, as well as her necessities, rendered her in some degree commercial. She encouraged the residence of foreigners of all classes, especially of merchants, (*metœci*). They were, it is true, (and this reveals the spirit we have just alluded to,) in an inferior condition before the law—they had no *persona standi in judicio*, and transacted their most important business in the name and under the protection of a guardian. They were, also, subjected to a poll-tax, the price of their privileges, and, if they failed to pay it, or were found guilty of voting as citizens, were liable to be sold, and were in fact not unfrequently sold as slaves.* Still they were, on the whole, protected and favored by the *manners*, and so great were the attractions of the city for strangers, that, according to Böckh's calculations, they composed fully one-third of its free population. They constituted, principally, the moneyed and mercantile classes. In short, commerce proved there, as every where else, a mighty humanizer, while, by the fortunes acquired in such pursuits, it enabled obscure individuals to eclipse the old families, and became at the same time, as usual, quite as mighty a leveller. These effects were visible in every thing; even their slaves were better protected by the laws, and more indulgently treated, than in any other city of Greece.† Besides the favor shown to foreign merchants in the Athenian courts of judicature, numerous *proxenoi* abroad, performing functions analogous to those of modern consuls, kept up in some degree the spirit of amity with foreign nations, and the first foundations of public law were laid in treaties of commerce (*symbola*) concluded with other states.

But, in making up an opinion upon the subject before us, we must, in the first place, carefully distinguish the period that

[* Aristoph. Acharn. 48. αχυρα των αστων.—See a passage worth citing Aristoph. Ran. 609. sqq. compared with v. 716. sqq.]

[† Demosth, κατα Μειδ., yet see the horrid story Æsch. c. Tim.]

precedes the Peloponnesian war, from that subsequent to the breaking out of that demoralizing struggle. Then, the remark already cited from Professor Wachsmuth, must be borne in mind. The early opinions and legislation of Athens were considered in later times as aristocratic, and they undoubtedly were so in reference to the new standard. Not only the laws of Draco, so famous for their stern and almost savage spirit, but the constitution of Solon and Cleisthenes, which was confessedly a compromise between the noble families and the body of the people, still restrained and repressed the latter exceedingly. So, the great events of the Persian war, though they elevated the lower order, whose share in the glory of the contest seemed fairly to entitle them to a corresponding share in the administration of the commonwealth, still exercised, as great events always do, a most salutary discipline over the public mind. The Areopagus, of whose influence and authority we have already spoken, gave, for some time, a high tone to the whole government. The spirit of democracy, it is true, was continually gaining ground, but it did so slowly. Aristides yielded to it when he caused the Archonship to be made accessible to all. Pericles, throughout his whole administration, studied to keep the people quiet by exciting their ambition, flattering their pride, and indulging their more reasonable desires, and he succeeded so effectually in his purpose, that Thucydides pronounces the government under his lead, substantially the reign of a single man. It must be remarked, (for the fact is a most important one, though we can do no more here than point it out,) that he was all the while extending the empire of Athens, and purging the city of the description of people most likely to create trouble, by establishing colonies of them in the conquered territory, (Cleruchiæ), at the same time that he lavished upon the amusements of the resident populace the treasures of the whole maritime confederacy. His high birth, his imposing presence, his mighty eloquence, his commanding abilities, his elevated character, his profound and cautious policy, and above all, his uniform success, together with the real prosperity of the country within—all conspired to produce that mitigated and rational democracy on which, as we have seen, he has pronounced, in the pages of Thucydides, so brilliant a panegyric. The appearance on the public stage of such a creature as Cleon, immediately after the death of that mighty man, was a new era. The very people whom he misled, laughed at the swaggering folly of the upstart, (such is the testimony of the historian,*) who did not shrink from a comparison with his majestic predecessor. Now the glory of Athens, as its power, was at its height under the administration of Pericles, who reaped the harvest sown by the generations that preceded

* See the graphic description, Thucyd. IV. 28.

him. They both decayed with the decay of morality and order; and our only surprise henceforth is that the downfall was not even more rapid than it really was. But we have already spoken of the character of the age in which the mind of Thucydides, and so many others of the same *calibre*, were formed. The impulse, given to the people by the heroic spirit and marvellous triumphs of the Persian war, and the abilities of Miltiades, Themistocles, and Cimon, continued to act upon their conduct and opinions, even amidst the crimes and disasters of the Peloponnesian struggle, and it was nearly a century after the death of Pericles, before the nefarious demagogues that succeeded him had completely destroyed the democracy.

It is not our purpose to pursue the subject any farther at present. We refer our readers, if they are disposed to do so, to the books at the head of this article. We cannot consent, however, to close our observations, without adding some suggestions that appear to us entitled to the gravest consideration of all who would study, to any practical good purpose, the Constitutional History of Greece.

I. Nothing is so apt to mislead in these inquiries, as the abuse of language. The application of familiar terms to objects apparently the same, but really, in every essential particular, widely different from those we are accustomed to designate by them, has been the source of infinite error and confusion. There can be no more striking example of what we mean, than the usual classification of governments in three simple forms. We speak familiarly of monarchy, aristocracy, and democracy, as if they were precisely defined and widely distinguished, instead of being susceptible of endless modifications, and running continually into one another. Nothing, for instance, is more inevitable, than that a wild and turbulent democracy will take a monarchical or an oligarchical shape; we do not say that it will *end*, merely, in such a shape, but that it will exist in it, as long as it exists at all; as, for example, in a committee of public safety, or a popular dictator. Nothing is more sure, in like manner, than that a savage despotism, naturally degenerates, as the Roman Empire did, into a military democracy, or oligarchy, (as the case may be,) of the army or the Prætorian guards. This is the very law of their being. To call a government democratical, because its organization is apparently popular, is to forget that both Cæsar and Pisistratus—acknowledged chiefs of the democratical parties of their day—left every thing in the forms of the Roman and Athenian constitutions, exactly as they found them; and that Bonaparte, at Marengo, was quite as much an autocrat, as Napoleon at Austerlitz or Friedland. And so, vice versa, Otho and Vitellius, or the Gordians and the Maximins, were no more masters of their empire, than Clovis was of his Franks, or the Bas-

tard and his sons of their Norman adventurers. It is in this respect, chiefly, that political systems need to be recast, and Herder is right in calling for a new classification and another Montesquieu.

But, without expatiating upon a topic which needs and deserves an elaborate exposition, we must remark that democracy, in the sense now attached to the word, never existed at all in antiquity, no more than in modern European history, for the revolutionary governments of France cannot be treated as an exception. We understand by democracy, as the term is now used, the enjoyment of perfect numerical equality, both before the law and in the spirit of society, and that equality, recognised as one of the universal, inalienable rights of man. This democracy, carried out to its logical consequences, is at war with every thing savoring of a distinction of *castes*, races, and nations. The French did carry it out logically, and they inscribed it upon their revolutionary banner in three words, each of which is essential to the definition of it—"liberty, equality, fraternity." It is the spirit of primitive Christianity. Its apostles are tent-makers and fishermen. It takes the weak things of the world to confound the wise—its priests are often the lowest of the people who are not Levites, and what was a scandal in Israel is our boast. We have canonized in our calendar, we have enrolled forever in the capitol, a printer and a shoemaker, (to name no more,) and we challenge history for two names more worthy of a place in it than Franklin and Sherman. So with regard to the foreigner, it breaks down all barriers—Jew and Gentile, *Tros, Tyriusve*—all at the same communion table. Now this was *never* the opinion of antiquity. They all believed *in race*, and reverenced it, (as we have said). As between nation and nation, their philosophers assume it as one of their *data* that some are born to command, and others to serve and obey; and this idea was the very basis, not of their speculations only, but of their whole social state. But, even within the bounds of their own races, they admitted of family distinction; indeed, Müller affirms that the maintenance of families was the great cardinal policy of the ancient Greek States.* A striking proof of the strength of this feeling is found in the necessity acknowledged by all their reformers, of abolishing old tribes and establishing new ones,† or substituting for them other divisions and classes. Thus Solon and Servius Tullius turned the aristocracy of races into a timocracy, thus admitting into the body-politic the richer part of the excluded castes. This was a concession made by the old families to a power no longer to be resisted, but it was at first, as we have seen Professor Wachsmuth affirming, no more than a concession. Of course,

* Dorians, v. II. p. 107, (trans.)
† Ibid. 63, cf. Arist. Pol.

in later times, the principle of equality *among citizens* gained ground continually; but yet at Athens, even in times of the most licentious mob-rule, to be descended of a great house was an advantage, with a view to public consideration, and even of mere popular favor.* Not to speak of Pisistratus, Cleisthenes, Miltiades, Cimon—it did much in that way both for Pericles and Alcibiades.† The rise of Themistocles to such a height of political influence had surprised many, notwithstanding his unrivalled abilities, because he was meanly born‡ on the mother's side. The pride of the Dorian race in their descent from Hercules, and the exactness with which they preserved their pedigree, are well known. But, even at Athens, there were at all periods hereditary priesthoods in certain families, such as the Eumolpidæ and the Ceryces; and the influence of superstition and priestcraft, there, was exceedingly important.§

With this haughty spirit of race was combined another spirit akin to it, perhaps originally derived from it, which made them look down with contempt upon all mechanical trades and pursuits, and treat with no great respect (however they may have otherwise encouraged it) commercial and manufacturing industry. Herodotus is one authority out of a thousand for this, and he mentions Corinth as a singular exception to a universal rule.‖ Yet Solon in his legislation has enjoined industry as a duty on his citizens, while Lycurgus interdicted to his every sort of occupation (agriculture itself included) but war, and the exercises that prepare the body for it. Pericles, in the important discourse so often referred to above, boasts of this respect for honorable industry as one of the advantages of Athens, and claims, even for the laboring classes in that city, not only an interest but a competent degree of skill in public affairs.¶ But the opinion which consigned to the slave the labors of the peasant and the handicraftsman, and excluded from the administration of political affairs those who had no time to devote to liberal pursuits, was too deeply rooted in the constitution and the habits of society to be controlled by positive legislation. They are systematically shut out from all share of the commonwealth by Aristotle, and the works of the other philosophers abound in precepts and sentences of the same import. Herodotus hesitates whether he shall trace up these notions to the castes of Egypt, seeing they prevail every where, not only in Greece, but among the barbarians. It is indeed a prevalent opinion among philologists, countenanced

[* Demosth. κατα Μειδ. ιδ']
[† Plut. in Lycurgo. (Oratore.)]
[‡ ξενια, a common place reproach against such men. Aristoph. Acharn 492. and 704. Av. 11. 764. 1627. 31. 762. 1296. Ran. 418. 681. 1533.]
§ Creuzer, Symbolik IV. c. 8, § 3. cf. Plut. Theseus.
‖ L. II. 166, 7.
¶ L. II. c. 40.

by high authority among the ancients, that the original Attic tribes did savor of a distinction, not only of race but of occupation. But, without having recourse to any historical explanation of that sort, this aversion to manual labor marks, as we see in Tacitus' account of the Germans, all warrior tribes among whom the sword is a more honorable, as well as easy instrument of acquisition, than the plough, and the spear than the pruning hook. Piracy was in high repute among the older Greeks universally, as Thucydides remarks, and there were, even in his days, some parts of the country in which it had lost none of its attractions or its respectability.

This discredit, thrown upon labor, produced important political consequences. It prevented, for instance, the forming of that great middle class, which is the surest basis of social order every where.* On the other hand, it engendered necessarily an idle, needy, rapacious, and profligate populace, haunting the courts of law, and the general assembly for the sake of the miserable fees paid for that sort of service, hungry after confiscation and forfeiture, living from hand to mouth on the alms, the bribes, or the plunder of the rich, or on distributions of the public revenues obtained for them by the demagogues, to whom the poverty of the multitude was wealth and power.† Here, too, Christianity introduced a new principle, or renewed a right spirit. It enjoined and consecrated labor; it made honest poverty honorable; it exalted the humble and lowly. "We beseech you, brethren, that you study to be quiet, and to do your own business, and to work with your own hands, as we commanded you."‡ The order of St. Benedict, by establishing a system of free labor, on the principles thus enjoined upon the primitive church, created, as Herder remarks, a new era in Europe.

II. At once a cause and an effect of this contempt for the arts of industry was the universal prevalence of domestic slavery, and that not only as an actual institution, but as an essential element of civilized society. We have referred to Aristotle's doctrine upon that subject, when we spoke of all labor being consigned to the bondman.§ With him the relation of master and slave is just as indispensable in every well ordered state, as that of husband and wife, or the other domestic relations. He develops, systematically, and without hinting the shadow of a doubt, the utility of the institution, and its consonancy to right reason. Different races of men had been created for the purposes

* Best government, where πολυ το μεσον. Arist. Pol. IV 11. So, at Rome the same thing occurred. Minore indies plebe ingenua, says Tacitus. It was the aim of the Gracchi to counteract this tendency of the system in Italy.

† So at Rome. Illa concionalis hirudo ærarii, misera et jejuna plebecula. Cic. Three hundred thousand received public corn in the time of Augustus.

‡ Thessalon. I, iv. 10, 11. Ib. II. iii. 10. I. Cor. iii. 8.

[§ See a remarkable place, Aristoph. Ecclesias 651. 19.]

of a high social improvement, some to serve, others to command some to provide a community with the means of subsistence by manual labor and the useful arts, others to think for it, to fight for it, to embellish and enlighten it, by genius and philosophy. The last could only be well done by those who had nothing else to do. The exquisite organization of the Greek showed, he thought, an aristocracy of nature, to which the barbarian should do a willing homage and yield a cheerful obedience. Those keen perceptions, those refined sensibilities, those organs so susceptible to the impressions of beauty and melody, those thoughts so elevated and aspiring, that wonderful intelligence, combining whatever was most abstract and most profound in metaphysical speculation, and subtile and shadowy in the distinctions of logic with whatever was most sublime, and most rapturous in poetical inspiration, creating forms, in which all ages have recognised and adored the image of ideal beauty—could these be expected of men brought up to toil and sweat, immersed in grovelling cares, condemned to hard labor for life? Their civilization was so exquisite, that a change in their music was a revolution in politics, and incredible as it may appear, no subject is more gravely treated by their wisest men, than this connection between moods and measures of harmony, and the morals of a people.* How could such refinement exist, but in a race not only most happily constituted, but educated, consecrated, and set apart, from earliest infancy, for the study of art and the contemplation of the beautiful? Accordingly, one of the soundest thinkers, as well as best informed writers of later times, affirms that, beyond all doubt, the unapproachable excellence of the Greeks in art and literature was in some degree due to the existence of domestic slavery among them, and could not have existed without it.†

However that may be, those commonwealths, and even the most democratical of them, were as close oligarchies as those formed by the Franks in Gaul, or the Normans in England. Böckh reckons the whole number of slaves in Attica at about 365,000, to 95,000 citizens, and 45,000 resident foreigners. In Sparta the disproportion was probably still greater, for besides the Helots, the Periæci (or Lacedæmonians properly so called) were in a state of inferiority and dependence not very far above the villenage of the middle ages. The Doric race was literally, as has been said of their successors the Turks, *encamped* in the midst of subjugated enemies. Indeed, Isocrates uses this very term in regard to them.‡ All intimate union, as by marriage for instance, nay, all social intercourse with the conquered, was forbidden to

* See a remarkable passage, Cic. de Legib. II. 15.
† Heeren Ideen Europaische Völker, 10 absch.
‡ Archidamas, p. 314.

the conquerors. Doris *amara* suam non intermisceat undam. A more jealous, barbarous, grinding, inexorable despotism never existed, than that exercised by the Spartans over their subjugated brethren, (for so they were)—who, be it remarked, were slaves, not of individuals, but of the whole community, by far the worst form of bondage.* The domestic habitudes, the personal qualities and affections that always mitigate that relation between man and man, and rendered it at Athens proverbially light and easy, even to insubordination, can have no effect on masses, governed only by fixed laws, and an inexorable state-necessity. But, although the situation of Sparta was, in this respect, somewhat peculiar, and the interdicting to him all business whatever, condemned the citizen to a life of *faineantise*, from which war was the only refuge; yet the same effects, though in a less degree, were produced by the same cause in every Greek commonwealth. A hundred thousand Athenian citizens lorded it over more than four times their number of slaves and metics—not to speak of their foreign or federal dominion, by which they were invested with jurisdiction, civil and political, over the majority of the Greeks. Was this democracy at all different from the feudal peerage of which we have spoken?

Another important reflection naturally occurs to us here. One of the most difficult, if not the most difficult, of all social problems, is, how far, in a country fully peopled, as every part of Europe now is, the laboring classes, those, in other words, who subsist upon wages, and depend upon their daily labor for their daily bread, can be admitted to a share in the commonwealth, consistently with the preservation of order, under a limited government. Our situation is altogether anomalous; we have no poor, and centuries must elapse before we shall feel the evils of an excess in that way—we have but the beginnings of a population; universal suffrage, therefore, and other institutions which may be attended with benefit, or at any rate, with but little evil, here, would infallibly lead to civil war and military despotism in France, or even in England. Is this to be forever so? Is that "slavery of the whites," which the great prophet and apostle of the poor, the Abbé de Lamennais, pronounces so much worse than the bondage of the blacks, the unchangeable condition of things? or when, how, how far, is it to be susceptible of correction? The masses in Europe are called free, yet they every where receive the law, and their destinies and those of their children are in the hands of their task-masters. They are, in truth, with few exceptions, a permanently degraded *caste*; and are, like the Helots, slaves, not of individuals, but of whole communities. On this subject the history of antiquity throws

* This is well developed by J. F. Reitemeir Sklaverey, u. s. w. in Griechenland, *p.* 123.

no light. Their philosophers solved the dreadful problem, we have stated, against the majority of mankind, and doomed the many to serve perpetually for the well-being and improvement of the few.

III. Immediately connected with the foregoing remarks, is another that must never be lost sight of in reading the history of the ancient commonwealths. War was the permanent, and so to speak, the natural and ordinary state of things among them. In modern times peace is the rule, war the exception; among the ancients, it was just the contrary. The presumption was against the foreigner, *alien né* was *alien enemy*, and, unless protected by express treaty, he was not protected at all. Kidnapping was at all times a common and incorrigible evil of antiquity, and piracy, as we have remarked, once held every where in as much honor as war itself, never ceased to be the law of some nations, and the occasional practice of all.* Revolutions in government, and other social disorders, always filled the land and the sea with banditti of this sort.

If we consider what were the laws of war in those times, we shall not at all wonder that such effects upon the opinions and conduct of mankind ensued upon the perpetual repetition of it. Those laws justified almost any violence upon an enemy. They breathe the exterminating fury of savage life; it is Achilles avenging the death of Patroclus. The Homeric poems, which present, in many respects, a moral picture less disgusting than Greek history, in what were called more civilized ages,† were true to nature in this, as in every thing else, and no very important change took place subsequently in the

κήδε' ὅς' ανθρώποισι πέλει, τῶν ἄρ᾽ υ ἀλύῃ.‡—*Il.* ix. 592.

The heroes of the Iliad pursue their enemy not only to death, but beyond it. They butcher him in cold blood, cut off his head and set it upon a pole, drag his body at their chariot wheels, and cast it forth to be devoured by the dogs and the fowls of the air. His wife, though a princess, becomes the slave of the victor—his children have their brains dashed out, or are reduced to the same condition. Fields were laid waste, orchards and forests cut down or burnt up, towns sacked and razed to the earth. In short, on the principle of lawyers, that *omne majus in se continet minus*, the man of blood who went forth to destroy,§ forfeited, with life, whatever was his to the object of his cruel hostility;

[* See the hist. (;) of Dionysius the Tyrant in Diod. Sic. l. 15.]

† Athenæ. l. V. 12. 15. 19. 20. Homer says the poor and the stranger are under Jove's protection, a sentiment too refined for subsequent times.

[‡ See the Chor. Æschylus, Sept. adv. Thebas v. 323 seqq., ὁσσα κακ'. Arist. Rhet.]

[§ δουλεια quasi ὁειλεια. Plut. Gryl. IV.]

and no Grotius had yet taught mankind to make war only the means of peace, and the discipline of knightly courage and courtesy.*

The consequence of this important fact was that all the institutions of antiquity were adapted to war, not only as an occasional event, but as the prime concern of social life. To recur to the analogy of the savage state: like our Indians, they trained up their young men to the arts of destruction, and, if *they* failed them, then to meet death and tortures, "exile, and ignominy, and bonds, the sentence of their conqueror," with patience and fortitude. This explains their mode of discipline and education. The infant, who promised to be puny or deformed, was condemned as unfit to live. Infanticide was universal—it was even a sort of mercy. The infant warrior, in the myth, was dipped by his mother in one of the rivers of hell—he was hardened by exposure, invigorated by exertion, made nimble and supple by exercise. The gymnasium was thus an indispensable institution, and we no longer wonder at the figure it makes in the philosophy of Plato.† The glory of the Olympic stadium was a part of the same system—nor is it without grave reasons of state that such an interest was felt by the most cultivated people in quoit-pitching, leaping, wrestling, boxing, and such like exercises, or that the genius of the first, beyond comparison, of lyric poets, should have immortalized the happy victors who turned up the Olympic dust with their glowing chariot wheels.‡ A stoical apathy within accompanied this external discipline, and steeled the breast equally against the cries of the vanquished and the insults of the haughty conqueror. The principle of slavery, as a substitute for death in battle, being universally recognised and acquiesced in, the captive knew his doom, and met it without a murmur. Greeks, it is true, among Greeks, were frequently, perhaps generally, ransomed; but that was an exception to a well settled rule, and the shocking scenes recorded by Thucydides show how little such could be counted on. There was nothing to secure any part of Greek society against the most cruel reverses of the kind, and the proudest nobles, the first gentlemen and ladies, (if those names were not peculiarly christian,) might look forward with melancholy apprehension to the chances of being sold, with their delicate children, into slavery, and being made to writhe

* See especially the frightful picture drawn by old Priam, l. XXII. 60. sqq., and compare l. XVIII. 175. sqq., and the touching story of the Egyptian king Psammenitus. Herod. III. 14.

Yet Aristotle—a voice crying in a wilderness, l. VII. 15. and Isocrates, Panathen, and de Pace, hold the language of philosophy and humanity on this subject. Plut. Nicias.

[† See a passage in point. Diod. Sic. xv. 50. of the Thebans preparing for their great war by the gymnasium.]

‡ For the importance of bodily strength in ancient warfare, see Plutarch's *Life of* Pelopidas, who seems to have been a very Paladin.

under the scourge, being cast into mines and quarries, or compelled to undergo any other outrage or torture at the pleasure of a barbarous master.*

It is plainly impossible to do justice to any institution of antiquity, without giving its due weight to this important and fundamental consideration. The deeds and the scenes of violence that are so revolting to the modern reader, made by no means the same impression on a Greek, even in the most civilized age. Witness the coolness with which Thucydides relates so many horrible atrocities. Gradually, to be sure, as men became more accustomed to the enjoyment of peace, its blessings would begin to be better appreciated, and be sometimes extolled. Isocrates speaks in this vein, and Aristotle was beyond his age in that as in almost all things. Athens, from being the ruling city, the seat of empire for half a century, was become soft and luxurious, and her genius turned to the best account the advantages which her power gave her. She was the torturer, not the victim: the mistress, not the slave; and in the quiet purchased for her by her naval force, and paid for with the sufferings of others, she learned to moralize and be sentimental, and so the stern spirit of ancient warfare might occasionally be censured and rebuked by a speculative philosopher. But certainly her practical men and the great bulk of her people thought of the rights of conquest as their ancestors had thought. Accordingly, they never affected to deny or palliate the fact, that their federal policy was essentially despotic. They set up the tyrant's plea of necessity, and openly relied upon the right of the strongest. This avowal repeatedly occurs in Thucydides, but no where in form more cynical and odious, than in the answers he puts into the mouths of their plenipotentiaries in the curious conference they are reported to have held with the representatives of the besieged Melians.† Their practice, too, was in the strictest conformity with their principles, and Mitford found it abundantly easy to exemplify the rapacity, violence, and cruelty, which he alleges to be inherent in democracy, in every part of the conduct of Athens towards her allies. But he forgot that cruelty, rapacity, and violence, were the characteristics of all forms of government in antiquity—that they infected the whole spirit of society—that oligarchies waged perpetual war‡ with the people, and waged it with a ferocity nothing short of infernal§—that single tyrants perpetrated habitually such horrible excesses as throw into the shade even the Eccelini and the Visconti of the middle ages.‖

[*According to Plutarch the victory at Leuctra was gained by bodily strength—they actually wrestled.]

† l. V. 87. sqq.

[‡ Plut. Lysander B. 14. 19, 77. Thebes—Odyss. xi. 264.]

§ Thucyd. III. 81, 2.

‖ Picture of a petit tyrant. Plut. Pelopidas, c. 30. Alexander the Thessalian.

We refer, for a singular illustration of this reverence for the right of the strongest, to an oration of Isocrates, which we have had more than one occasion to cite. The old rhetorician had been declaiming against Sparta for her contempt of all laws, and her remorseless spirit of conquest, and exalting, in comparison with it, the more humane and peaceful conduct of Athens. He had gone so far in his invective that he felt some remorse for his intemperance—but what was his surprise when, on consulting a professed partisan of that state, he found him regarding that declamation as only an artful piece of irony, and the pretended censures as really the highest panegyric.*

IV. Another important peculiarity of the political systems of antiquity was the idea, so opposite, as we hinted above, to the fundamental principle of the Feud, and consequently to the spirit of modern governments, that the individual existed only in and for the whole society, and was at all times under its absolute control, and liable, with all that was his, to be sacrificed for its benefit.

The perpetual war in which the cities, as a refuge from enemies,† had their origin, and which converted every commonwealth into a sort of camp, with the discipline and the unity of a military organization, had its effect, no doubt, in producing this state of opinion. This, it is true, was more remarkably the case with the Dorian states, but, in spite of the boast of Pericles in the oration so often referred to, not exclusively so. Thus, the whole organization of the classes and centuries at Rome was strictly military, and political rights were distributed in reference to services to be rendered in war. It was so with the constitution established by Solon. Now, it was inevitable that an idea so fundamental and so predominant should influence all the opinions of the people, and their whole manner of being. Accordingly, their definition of a state, and their conception of the ends of the social union, as well as the means and powers by which they were to be accomplished, were as different from ours as martial law is from the usual course of a limited government. In our times, the notion is beginning more and more to prevail, that the less governed the world is, consistently with the preservation of order, the better for it—that society is to be looked to only for protection against force and fraud, and that the individual shall be restricted as little as possible in the enjoyment of his liberty, the pursuits of business, and the comforts of personal accommodation. In short, amidst the perils of perpetual war among the states of Greece, the *salus populi*, which is every where the supreme law, necessarily superseded all others. In modern times, where war is only an episode—becoming every day more

* Panathenaic. Epilog.

[† Thebes Odyss. xi. 264-5.]

rare, and at the worst, confined to a part of the nation only—there is the ease and the careless freedom of a state of entire security.

But not only did the permanent condition of the ancient commonwealths lead naturally to that despotism of the society over the individual, but the peculiar turn of the Greek mind extended it still farther, and reduced it to the shape of a theoretical system. We spoke, in the former part of these remarks, of the ideas of political justice embodied by the philosophers in their Utopian commonwealths. These all, from Pythagoras downwards, regard a state as a body politic, organized after the fashion of the natural body, with a variety of members and faculties varying in dignity, but each indispensable in its place, and all co-operating to the same end, the health, strength, and well-being of the whole, under the absolute control of one will and understanding.* A polity, say they, is the soul of a city, and stands in the same relation towards it as reason to the human system.† There ought, therefore, to be in every well ordered community a complete identity of interests, an entire sympathy between all the the parts, and there was nothing necessary or useful to the whole which it had not a perfect right to exact of every individual in it. It was on this principle, that sumptuary and agrarian laws were resorted to, and other means of enforcing an artificial equality of condition. The Dorian states seem to have approached as nearly as possible to the complete execution of this system of universal restraint and discipline. According to the so-called laws of Lycurgus, the state interferes with every concern of the citizen—it determines whom he shall marry, and when he shall repudiate his wife—it dictates to him which of his children he shall bring up, and which of them he shall expose to the beasts and birds on Mount Taygetus—it limits the quantity of land he shall hold, and his power of disposing of it—it interdicts to him, as we have seen, all commerce and business whatever—it binds him soul and body—thinks for him, feels for him, acts for him, or what comes to the same thing, compels him to think, feel, and act only for itself. Swift's Houyhnhnms that had no fondness for their foals, but took care of them only from reason, and bestowed the same attention on their neighbor's offspring as their own, were of the true Spartan breed. This odious system, so well calculated to extinguish all genius, nay, thought—to turn a

* Iamblich. ub. sup. 168. c. 30.

τὸ κοινὸν καὶ ἴσον, καὶ τὸ ἐγγυτάτω'
ἑνος σώματος καὶ μιᾶς ψυχῆς ὁμοπαθεῖν πάντας. * * * * *
* * * ἐν τοῖς ἤθεσι τὸ ἴδιον πᾶν ἐξορισας * * * , etc.

He alludes, no doubt, to Plato de Repub. l. V. p. 461, where the same analogy of the human body, and the sympathy of all its parts with each, is used.

† Isocrat. Panathenaic, *vé.*

whole people into a mere machine, like a well drilled standing army—to make it, as has been said of China, a shrivelled mummy, not like it swathed in silk, but armed in proof, was the boasted συταξια of the Dorians, so much envied by Plato and Xenophon. It will present the contrast between the ancient and modern worlds, in this important matter of the right of society to control the pursuits and purposes of the individual, in a very striking light, to look into the works of one of the greatest champions of liberty that ever existed, and to see in what he makes it to consist—we mean Milton. Our space will not admit of our doing more than barely alluding to the three species of freedom which he held to be essential to social life—the religious, the domestic, and the civil; and adding that, to promote the first, he wrote his Treatise on Reformation—to establish the second, he published his Treatise on Divorce, his Tractate on Education, and his Areopagitica or liberty of unlicensed printing; while his ideas as to the third may be found in all his works, but especially in his famous defence of Regicide.* Yet, with all his freethinking, Milton was, as every body knows, grave, austere, and strictly regular in his life and habits.† His opinions, therefore, are a remarkable specimen of the deep-rooted notions of personal independence that have taken possession of the modern mind on the subject of legislative interference with the private concerns of mankind.‡

It is true, as we have seen, that this despotism of the whole over the parts, this absorption of the individual in the body politic, was much more mitigated in the Ionian than in the Dorian, in the democratic than in the oligarchical states. In that beautiful picture which Pericles paints of the democracy in its highest estate, happy at home, triumphant abroad, obedient to its own law, controlled by its calm reason, he dwells particularly on the social ease and freedom of Athens as one of its greatest privileges. So Aristotle considers an impatience of the restraints imposed elsewhere on the individual, as one of the characteristics of popular government. We do not understand him, in these passages as Mr. Hermann, does, merely to mean that such government always tends to licentiousness and anarchy. We think he refers to a general relaxation of the *corporation-spirit*, the state control, of which we have been speaking, and we admit that he does not seem altogether to approve it. If we are right in our interpretation of his sense, here is another point in which the democracy of antiquity showed a tendency towards the principles that are

* See Life of Milton, prefixed to the Aldine edition of his poems, p. xvi.

[† Cf. I. Bl. Com. 126.]

‡ Yet in the incorporated towns of the Low Countries, which were all close oligarchies, the *esprit de corps* produced similar effects, and the *bourgeois* was absorbed in the *commune* or body politic. Meyer. Inst. Judic. III. 75. 96

at the bottom of all modern civilization. But, however mitigated the effects of the principle referred to may have been at Athens, it still operated to a very considerable extent upon the opinions of men, and, of course, upon the administration of affairs.

Now those effects are all such as would shock a modern reader most. The sanctity of private property, for example, may be regarded as a great cardinal principle of European society. The difference between even military autocracy in that continent, and Asiatic despotism, consists precisely in this. The latter is not the sovereign, the ruler only; he is the proprietor of his states, and all that reside within it. His dominions are his domains. The law of *meum et tuum* is merged in the public law, and the estates as well as the lives of the subject are a mere *peculium*, held at the mercy of a master. In Europe, the *jus privatum* is every where sacredly observed, and strictly enforced. No absolute monarch there ever dreams of infringing the rights of private property, farther than is permitted by the fundamental law. The windmill of Sans Souci is the great monument of the European *jus gentium*—a monument prouder than any arch or column at Rome or Paris. The eminent domaine is, indeed, every where acknowledged, but so is the principle of compensation to be made for all property needed for the public service. This principle is consecrated in the French code, and extended so far as to require the compensation to be previously paid. A Greek, it is plain, never could feel the same sensibility on that subject. His way of thinking, in regard to it, was more Asiatic than European. In his eyes the property as well as the life of the individual belonged absolutely to the state. He drew no impassable line between the *jus publicum* and *jus privatum*—he was apt to allow of an indictment where an action only should have lain. The language of Barrère's famous proclamation in '93 was just such as he had been accustomed to hear, as a *carmen necessarium*, from his tenderest years. There were, of course, many cases in which he would have this stern political justice tempered with a little mercy, in which he might even think it so harsh and cruel as to shrink from enforcing it. But he could not possibly regard their financial system—which to us looks merely like legalized plunder—with the disgust it inspires now. So of all the scenes of confiscation and forfeiture which were continually passing before his eyes.

But the operation of the principles we are speaking of by no means stopped there. It pervaded the whole life of the Greek city. We have seen how the legislator interfered with and controlled the strongest instincts of nature, and all the dearest affections of the heart. Shocking as such a system appears to us, every philosopher of antiquity not only admits its propriety, but inculcates its fundamental and indispensable importance. Edu-

cation is every where regarded as matter of state policy; and to a greater extent than is dreamed of in our philosophy. Plato would begin within the womb, and take care that the left hand be made, by exercise, as useful as the right.* The child was begotten for the service of the commonwealth, and was to be trained up to suit its exigencies. "Madam," said Bonaparte, to a lady of rank who had besought him to accept of a substitute or any equivalent for the service of her only son, ordered to join the army in the Russian campaign,—"you, your child, and your fortune, are my property already"—and few things rendered him more justly odious to the people of that country, than this cynical avowal of a stern military, and even barbarous despotism. Every modern feels it so, and perhaps, in the mouth of Alexander a Greek would have thought it savored of the oriental pride he affected, yet it was, in fact, the language of all their laws and the practices of all their governments.

Nor was this control over the popular mind confined to the education of youth. It shaped public opinion in every thing and made all morality an affair of positive institution.† *Mala prohibita* were not only as criminal as *mala in se*, but the whole evil in every case was created by the statute. Horne Tooke's etymology of right—*rectum*—from *regere*, to rule, was literally exact there. Utility, in the narrowest sense, and with its most licentious tendency, became naturally the standard of justice. Whatever was advantageous to the state was, of course, right, and the sophists, who openly professed and sedulously inculcated that doctrine, might render it somewhat more odious by exaggeration, but taught nothing but what was implicitly received in all the conduct of governments. To say that *infanticide* was the universal, familiar, and approved usage of antiquity, is saying every thing. The Spartan theft, punished only if discovered, was obviously a misnomer.‡ The law gave the property to whoever could appropriate it without being detected. It was as good a title as any other. It was only pushing out to one more consequence the principle of which we are speaking, and of which the tendency was to blunt in all things the perception of any distinction between *meum* and *tuum*. Accordingly, nothing could be more glaring and notorious than Spartan dishonesty, in every shape which fraud and injustice could take; and the state of public morals at Athens was no better. Defalcations were universal among the receivers of public money. Böckh, in the valuable work so often cited, has the following equally just and

* De Leg. VI. 765. a VII. passim.

† The το δικαιον not the same in all governments. Arist. Pol. V. 9.

So he speaks of what was good ἁπλως, and what was good προς την πολιτειαν. IV. 7.

[‡ Cf. Schloss. 1 Th. 2 abth. 236.]

pointed observations: "From what has been said, it is evident that there was no want at Athens of well-conceived and strict regulations; but what is the use of provident measures where the spirit of the administration is bad? Men have at all times been unjust and covetous, and unprincipled, and above all, the Greeks distinguished themselves for the uncontrolled gratification of their desires, and their contempt for the happiness of others. If any competent judge of moral actions will contemplate their character without prejudice, and unbiassed by their high intellectual endowments, he will find that their private life was unsocial and devoid of virtue; that their public conduct was guided by the lowest passions and preferences; and, what was worst of all, that there existed a hardness and cruelty in the popular mind, and a want of moral principle, to a far greater degree than in the Christian world. . . . When we consider the principles of the Greeks, which are sufficiently seen from their historians and philosophers, it cannot be a matter of surprise that fraud was used by public officers at Athens in so great a matter as the regulation of the days. . . . Every where we meet with instances of robberies and embezzlement of money by public officers; even the sacred property was not secure from sacrilegious hands."* This is literally exact, and yet the Athenian might affirm with truth, that he was no worse than his neighbors. The whole drift of Isocrates, in his Panathenaic oration, is to show that if his degenerate countrymen were bad, (as he acknowledges them to be,) the Spartans were in all respects a great deal worse. His success in such an undertaking is only a proof of the deep and disgusting moral depravity of the ancient world. There is scarcely a great man of Greece whose biography is free from some of those dark stains, which no virtues would now be thought sufficient to compensate, and no glory to conceal. Without citing the examples of such men as Themistocles and Lysander, notoriously, and even for their own times, remarkably unprincipled, however gifted and celebrated men, Plutarch has scarcely a hero who would pass muster as a gentleman now. Timoleon, for instance, has been pronounced by Heeren and others, the most perfect model of a republican in the history of the world—a world that had seen our Washington! And we admit that we do not think the annals of popular government, in all antiquity, offer an example, on the whole, more enviable and winning. Yet, if his biographer is to be relied on, he was accessory to, by permitting, as barbarous and wanton a murder as the mean vengeance of faction ever perpetrated.†

* Pub. Econ. of Athens, v. II. 260. Cf. Athenæ. XII. passim.

† Plutarch says it was of all Timoleon's works, the αχαριστοτατον! Gentle enough, surely. [Not to mention his killing his brother, Diod. Sic. xvi. 65.]

V. There remains to be suggested another consideration of importance, that ought not to escape the student of Greek history. We have just seen what their idea of a *state*, was in relation to the individuals that composed it; the same notion of its composing a close, compact, regularly organized whole, applied equally to the *space* it was to include within its limits. Both in Greek and Latin, the words which signify a *state* and *city*, are synonymous. Ancient society, as has been remarked by several writers of ability*, was born in cities, modern, in the country and the castles, and this difference of origin would naturally have some effect on their respective characters. It is very remarkable, for example, that, when communities analogous to those of antiquity sprang up in the incorporated towns of the middle ages, many peculiarities of the ancient oligarchies or democracies were observable in their conduct and policy.† These peculiarities, however, owing perhaps, in some degree, to the fact that the cities were, after all, only subordinate parts of still greater communities, and were, more or less, subjected to their control, never developed themselves so fully in the modern municipal governments as in the sovereign commonwealths of Greece. But, besides this, there was, as we have shown, something in the original *bent* of the Greek mind, that led to the study of unity of design and symmetry of parts in government as in art and poetry. Be that as it may, certain it is that the greatest philosophers among them would have regarded as something monstrous a *republic*, spreading over half a continent and embracing twenty-six states, each of which would have itself been an empire, and not a *commonwealth*, in their sense of the word. Aristotle expressly declares, that the population of a city must not be allowed to increase beyond a competent number, because it would cease to be a *state*, (πολις) and would become a nation, (ἔθνος,) unsusceptible of any thing deserving the name of a polity.‡

As the excessive length of these remarks admonishes us to hasten to a close, we shall not extend them farther than barely to allude to the care which the Greek lawgiver was forced to bestow upon keeping the number of his citizens always just at the proper point of fulness, without redundancy, and at the important changes that sometimes occurred from accidental causes. Thus, the great plague, in the beginning of the Peloponnesian war, is supposed, by Wachsmuth, to have wrought a sort of revolution at Athens;§ and this it did, not only by the extreme

* Guizot, Sismondi, &c.
† Meyer Institutions Judicaires. ubi supra.
‡ Pol. VII. 4.
§ V. II. 189. Aristotle had pointed out the way. Pol. v. 3, 4.

dissoluteness that always accompanies such events, but by disturbing the relations between the different classes of society, and depriving the people of some of their wisest guides and counsellors. Not only so, but, on such occasions, in order to fill up the ranks of society, means would be resorted to which could not but produce the most pernicious effects upon its general character such as polygamy, the legitimating of bastards, the emancipation of slaves, and the naturalizing of foreigners. A great battle* would be accompanied with the same effects, and even a comparatively trifling loss would be most severely felt, if it happened to fall upon the flower of the citizen soldiers; witness the extraordinary impression made at Sparta by the capture of a bare handful of their troops at Pylus. The result was that, since a city ought neither to be too great nor too small, and the population should not be allowed to dwindle away, on the one hand, or press too heavily upon the means of subsistence on the other, the division of the land belonging to it—its *ager*—became, as Niebuhr remarks, the great first principle of ancient political philosophy and legislation.†

We will add one more remark in this connection. Montesquieu's ideas were formed, in this respect, on the doctrines and examples of antiquity. He thinks republican government adapted only to small spaces and limited numbers—just the circumstances under which the frenzy of the moment is most fatal to law and liberty,—the hatred and hostility of individuals, the feuds of families, and the mutual jealousy of classes, are most apt to grow into deep-rooted and inveterate factions. If there were no other obstacle to the establishment of popular government in France, the overruling influence of Paris would, alone, be an insuperable one. One of the great conservative principles of our own republican institutions is the very extensive space over which they spread their benignant influences. In this point of view, as in so many others, the blessings of the federal union are above all price and all praise. But that is a subject for a more ample and solemn examination.

We will only say, in conclusion, that, if every American, who looks upon the picture we have presented of the so-called democracy of Athens, feels, as he must, a still deeper and more fervent gratitude to heaven, for having cast his lot in this most blessed of all lands, where perfect liberty has hitherto been found united with the dominion of the law and the reign of order, let him be penetrated with the conviction, that he owes it to the institutions of our fathers as they were originally conceived. Let him be assured that their glorious work needs no reforming, and that the base flatterers of the sovereign people, who preach to them of

[*So the great insurrection of Helots after the great earthquake in Sparta.]
† Compare Arist. Pol. V. 7. and VII. 4. 11.

their infallibility, are here, what they ever have been, the ambitious, the vain, the unprincipled, the aspiring, who would bow down and worship any other power that could promote their own. History is written in vain, if mankind have not been taught that demagogue and tyrant are synonymous; and that he who professes to be the friend of the people, while he persuades them to sacrifice their reason to their passions—their duty to their caprices—their laws, their constitution, their glory, their integrity, to the mere lust of tyrannical misrule—is a liar, and the truth is not in him.

DEMOSTHENES.

1. Demosthenes als Staatsbürger, Redner und Schriftsteller. Von Albert Gerard Becker, Pastor zu St. Aegidii in Quedlinburg. Erste Abtheilung Literatur des Demosthenes. *Quedlinburg und Leipzig.* 1830.
   Zweite Abtheilung. Nachträge und Fortsetzung der Literatur vom J. 1830 bis zum Schlusse des J. 1833. *Quedlinburg und Leipzig.* 1834.
2. Quæstionum Demosthenicarum Particula tertia. De Litibus quas Demosthenes oravit ipse. Scripsit Antonius Westermann, in Academiâ Lips Prof. Ord. Accedit epimetrum de repetitis locis in orationibus Demosthenis. *Lipsiæ*, MDCCCXXXIV.
3. A Dissertation on the Eloquence of the Ancients, with an Appendix, by Lord Brougham, in Lord Brougham's Speeches, vol. 4. *Edinburgh.* 1838.

The subject of popular eloquence, always an attractive one in free countries, has been invested for us with a more than ordinary interest by the events of the last year. A new era seems to have occurred in the development of our democratic institutions. There have been congresses of the sovereigns in proper person. We have seen multitudes, probably greater than any addressed by the ancient masters, brought together, by means of the steam engine, from the most distant parts of our immense territory, to consult with one another upon the state of the nation, and to listen to the counsels of men distinguished among us for their influence or ability. We have seen the best speakers of the country, called for from all parts of it, compelled to leave their homes however remote—some of them drawn forth even out of the shades of private life—to advise, to instruct, and to animate their fellow-citizens, exhausting all their resources of invention to supply topics, of strength to endure fatigue, of oratory to command attention, and even of voice to utter and articulate sound, in order to meet the almost incessant demands made upon them by a people insatiable after political discussion. It was not one part of the country that was thus awakened and agitated, the commotion was universal; yet nothing was more remarkable in these stirring scenes than the order, decorum and seriousness which in general distinguished them. These eager throngs listened like men accustomed to inquire for themselves, and to weigh the grounds of their opinions. There was to us, we confess, something imposing and even majestic in such mighty exhibitions of the Democracy. But quiet and patient as these

vast popular audiences certainly were, to a degree much beyond anything that could have been imagined beforehand, their *attention* was far from being uniform and undiscerning. They never once failed to listen to the best speech with the deepest silence, and to award the highest honors to the best speaker. We mean the best in the proper, critical sense of the word; for our previous opinions, founded upon the experience of other times, have been fully confirmed by our own, that it is impossible to speak too well to a vast and promiscuous assembly; and that it is by qualities which would insure success at any time under a popular government similarly circumstanced, that Demosthenes, the most exquisite of writers, was the delight, the guide and the glory of the Democracy of Athens.

Considering, as we do, the masterpieces of this great orator as the true and only models of popular eloquence—as its *beau idéal*—not Greek, not Attic, not ancient, not local or transitory or peculiar as Lord Brougham vainly imagines them to be, but made like the Apollo or the Parthenon for all times and all nations, and worthy of study and imitation wherever genius shall be called to move masses of men by the power of the *living word*, we know not how we can do anything more profitable or more acceptible to our readers, than to fix their attention, for a few moments, upon the excellencies which distinguish him beyond every other orator that has ever appeared in any period of the world's history. Nor let it be feared that we shall be found dealing in the stale *trivialities* of a subject long since worn out. It is true that the name of this Homer of orators,* and certain epithets which school-boys are taught to associate with it, are as familiar as household words. But it is also true, to an extent not to be conceived by any but scholars, that anything but a just idea—nay, that a very absurd idea—of the Demosthenian style, is suggested by those same familiar phrases. We want no better proof of this than is furnished by the dissertation of Lord Brougham, the very latest thing that has appeared upon the subject, placed, with two other publications much more entitled to the attention of scholars, at the head of this paper. But of that by and by. The truth is that, in common with all the other departments of philology, the schools of Germany have, within the last twenty-five years, addressed to *this*, with signal success, their vast research and their matchless criticism. The work of Mr. Becker, mentioned in our rubric, contains sufficient evidence of this. It is entitled, as our readers will have seen, the "literature" of Demosthenes, that is, it is a succinct account, in two parts, containing together but three hundred pages, of all that has been published in regard to the orator, to his life and character, editions and translations of his works, or essays and com-

* Lucian Encom. 4, 5.

mentaries upon them; everything, in short, that can make us acquainted with the man or the speaker. It is quite remarkable how much more has been done in this way, within the short period just mentioned, than during the whole seventeenth and eighteenth centuries put together.* This same author published in 1815–16 a work upon Demosthenes, which was one of the first contributions to a more critical knowledge of its interesting subject. That work (Demosthenes als Staatsmann und Redner) we have never been so fortunate as to meet with, having ordered it repeatedly in vain from Germany. Mr. Becker complains that, living where he does, (at Quedlinburg, at the foot of the Hartz,) he has not the advantage of access to any of the great public libraries of Europe, and that he feels very sensibly the want of such an instrument.† What would he say if he shared our privations in that respect? Yet much as we regret the not having had an opportunity of reading a work to which he often refers, and of which we have so often seen honorable mention made, we are the more reconciled to be without it by the reflection that this branch of knowledge has made great progress since it was published, and by the confession of the author that he feels the necessity of recasting it with a view to that progress. Indeed, the work before us is a preparation for the projected improvement in the first, and contains a collection of the materials out of which it is to be reformed and completed.

M. Becker is a devotee to his subject, if there ever was one. He assures us that since the year '91, when a dissertation of his to prove that the Oration on the Letter of Philip was spurious, was shown to F. A. Wolf, and honored with the approbation of that admirable critic, he has never lost sight of the orators. At the end of half a century his zeal seems nowise abated. He collects with a tender care and repeats with fond complacency whatever has been uttered in any time or tongue, of praise to his author, or in extenuation of his faults which, until recently, none were found bold enough to deny. Some of these *Testimonia auctorum* are really very striking and eloquent, and, did our space permit us, we would willingly translate one or two of them for the benefit of our readers.‡ They show that M. Becker's enthusiasm for Demosthenes, not only as an orator, but as a man and a patriot, is the common feeling of most of his contemporaries in Germany. Dionysius of Halicarnassus himself who sacrifices not only Isocrates, but even Plato and his favorite Lysias to the prince of the art, does not indulge in a more lively and rapturous strain of encomium, than is almost universal among

* F. A. Wolf first awakened the true taste for the Attic orators, and with them for the whole subject of Greek Antiquities, says Becker, p. 109.

† See Vorrede to Th. 2, s. vi.

‡ Especially a portrait of Demosthenes by Zell, p. 276, and some remarks of Raumer, p. 141.

these quiet students of climes so much nearer the pole than Greece. But it is not in these times only that Germany has confirmed the vote by which the Demus of Athens crowned the immortal champion of Ctesiphon. Among the bibliographical notices, with which this volume of M. Becker is filled, are those of two scholars, scarcely known but to men devoted to the same studies, Jérome Wolf and Jo. Jac. Reiske; who are instances of that enthusiasm remarkable enough to be cited here. To the first of these editors the modern world is under greater obligations for the advantage of reading Demosthenes in a correct form, than to any other individual whatever. He lived in the sixteenth century, a century during which no less than seven different editions of the whole works of the orator were published, beginning with the Aldine in 1515, and ending with Wolf's last; not to mention an incredible number of the Philippics and of single orations, and a great many translations into various tongues. Becker observes that, in this respect, the "literature" of no other writer is to be compared to Demosthenes. Thousands upon thousands of copies were rapidly spread through the schools and universities of Germany, Switzerland, the Netherlands, France and Italy, Poland, Spain, and even England. Wolf's third, it seems, and celebrated edition of the speeches of Demosthenes and Æschines, was published in 1572. This remarkable man—as remarkable in his humble way for patience and heroic martyrdom as his subject himself—devoted his whole life to the thankless task of an editor, amidst every sort of difficulty and discouragement. It is really touching to read the accounts he gives in his various prefaces and epistles, of what he was doomed to suffer, in his obscure labors for the sake of philology.* Yet he consoles himself, like the famous Strasburg goose in the Almanach des Gourmands, with the idea, that, albeit his life was not the most enviable, and he had been treated with but little favor by some of his countrymen, yet foreign nations had heard of Wolfius, and posterity and studious youth and the learned of all ages would honor the "consuls and senate of Augsburg" for protecting him.† In one of these prefaces, written in Greek, the devoted scholar speaks with a complacency akin to that of Gibbon on the completion of the "Decline and Fall," of the services which he had rendered to the "great and heroical orator," and hopes that the name of Wolf will be forever identified with that of Demosthenes. And, in very deed, if his disembodied spirit can content itself with the admiration of a fit audience, though few, it may well be reconciled to its long agony of injured merit and struggling ambition while in the flesh, by the acknowledgments now made to him by the learned in Germany.

* Pref to Fugger, sub. init.

† Ad nobiles et magnificos viros, etc. H. W. in D. et Æ. Græco-latinos præfat.

We have seldom read a more beautiful tribute than that offered by Vömel (1828) to his memory, and republished in this volume by M. Becker, (p. 94). We would be glad if it were possible to lay it before our readers, together with an extract to be found in a note (p. 95) from the rhapsodies of the poet Kosegarten, prefixed to his German translation of Wolf's autobiography.

After the lapse of two centuries, (1770,) the labors and sufferings of Jérome Wolf, for the sake of Demosthenes, were repeated in the person of another German (whose estimate of the moral character of his author was not a flattering one, however,) Jo. Jac. Reiske. It would almost seem that the contagious bad-luck of the ill-starred orator, with which Æschines taunted him, and which Juvenal has handed down in his famous satire on all human aspirations—

Dis ille adversis genitus fatoque sinistro,

was destined to pursue his friends to the end of time. In reading Reiske's own account of his life and labors, from which M. Becker furnishes an extract, we find that he undertook the printing of his edition of Demosthenes at his own expense. "The work," says he, "is begun in the name of God. Whether I shall live to see it finished, depends on Him. If I had to rely on men, I should most certainly fall a sacrifice to my own good will and their ingratitude and cruelty." It deserves to be mentioned, as an instance of woman's self-devoted generosity, that his wife, who assisted him in his literary labors, pawned her jewels in order to have the printing begun. Becker assures us that this auto-biography exhibits the character of that worthy scholar in a most estimable light; and adds that his correspondence with Lessing* (which we regret we have not the time even to look into,) completes the picture of "a great man." We are glad to find that Schäfer has defended Reiske against the unmeasured reproaches which it was once so fashionable to heap upon him,† and, without denying his defects, has vindicated his incontestable claims upon the gratitude of scholars.

But whatever was in other respects the ill luck of Demosthenes, it did not reach the MSS. charged with the preservation of his master-pieces for posterity. His speeches have been as fortunate in this respect, as they were in the delivery. Not only are all his most celebrated orations, (with one or two exceptions probable of extemporaneous, or at least unwritten harangues,‡) come down to us, but, if the acumen of modern criticism may be relied on, his name has saved from oblivion many more than

* Lessing's Werke, XXVI. S. 275.

† See, for instance, Payne Knight's contemptuous language in note to Il. H. 137-8, of his own Homer, (1820).

‡ The speech at Thebes, for instance; why have we not that?

his own. Of sixty speeches, published in the usual collections, only forty-two are admitted in the canon of German scholars. Becker expresses with *naïveté*, a fond wish that no more may be thought to deserve a place in the *Index Expurgatorius*, and ventures even to hope that some of those now suspected may be re-integrated in their former rights. We will just permit ourselves to say, by the way, that we heartily rejoice to see the mark of the beast set upon one at least of those not doubted by the ancients, we mean the atrocious attack upon Timotheus, which, disgusting as every thing in their literature shows the morals and manners of the Greeks to have been, we still found especially revolting as a low libel uttered by the greatest orator against the greatest captain of Athens. This singular preservation of the works of Demosthenes shows that there is more of design and discrimination than is commonly imagined, even in the ruins which time and barbarism deal about them. If we are to believe Payne Knight, Homer is in the same way overloaded with the interpolations of rhapsodists; and, with comparatively few exceptions, the works of genius, celebrated by the ancients themselves, have been saved for us by amateurs whom they found even amid the darkness of Gothic, Saracenic and Mongolian invasion. But in the case before us, M. Becker suggests an idea not unplausible, to say the least. He thinks Demosthenes owed something to the favor which he found with the fathers of the Greek Church. The Basils, the Gregories and the Chrysostoms, whatever might be the austerity of their aversion to the mythology of ancient Greece, still labored to emulate her eloquence, and nothing seems more natural than that the pupils of Libanius, that men, educated in the schools of Athens and of Antioch, should share the admiration of their masters for the most perfect model of speech and reasoning.

The sixty-one, or more properly speaking, sixty speeches now extant and vulgarly ascribed to Demosthenes, are divided into three leading classes. 1st. Those delivered in the popular assembly, and falling under the head of deliberative eloquence. 2d. Those addressed to courts of justice, or judicial pleadings. 3d. Panegyrical orations. Of the first class there are seventeen in all, of which the principal are the Philippics, the Olynthiacs, that *de Chersoneso*, etc. Four of them, however, have been rejected as spurious. The speech *de Haloneso*, and the two *de Republicâ ordinandâ*, and *de Fœdere Alexandrino*, were excluded from the canon by the ancient critics; the first has been shown to be the work of Hegesippus, a contemporary of Demosthenes. The 4th Philippic, though admitted by the Greek critics, is considered supposititious by most recent German writers beginning with Valcnaer and F. A. Wolf, whose opinions have been adopted and confirmed by Böckh, Becker, Bekker, Wester-

mann, etc. The speech *ad Epistolam Philippi* is treated by them in the same way. We recommend this remark to the attention of our readers, for, when we come, as we presently shall, to examine Lord Brougham's Dissertation, we shall find him taking his examples of the peculiarities of Demosthenes almost invariably from these spurious or suspected works, and sometimes treating as perfections the very blemishes by which their authenticity is disproved.

The judicial speeches, or arguments, as many of them ought rather to be called, are divided, again, into two very distinct classes. The first comprehends those of a public character, and, as Demosthenes was of a stern and morose temper—the reverse of Cicero, who was so much given to the melting mood that the peroration was always assigned to him by his associate *counsel*—we shall not be surprised to find them almost without exception, accusations (κατηγοριαι). Under this head Jerome Wolf classes the famous harangues *de coronâ*, and on the *Embassy*, as well as those less known, though not less deserving to be known, against Leptines, against Androtio, against Timocrates, against Aristocrates, and against Midias. The speeches against Aristogeiton which belong to this category, although quoted with honor by Pliny the younger,* are most certainly not the work of Demosthenes. Taylor, however, goes too far in treating the first as a miserable declamation (*declamatiuncula*). There are passages in it which are very good imitations of Demosthenes, though surrounded with others full of exaggeration and bombast and which he could not have spoken without ceasing to be himself.† The second division of judicial speeches, are those written (with some exception) to be delivered by others as their own in private causes (δικαι). It is not necessary to say more of them in this connection, than that they are as many as thirty in number, of which, four have been rejected as spurious, and some others are questioned.

The panegyrical orations are only two—the funeral oration and the λογος ερωτικος, both of them unquestionably supposititious, as Dionysius pronounces them.

Upon this formidable array, which will show the general reader at a glance, how voluminious are the remains of Demosthenes, the question will at once present itself to him, why it is he has scarcely ever heard of any but the Philippics and the speeches for the Crown and on the Embassy, and even of the last, but rarely? It seems very evident to us, for example, that

* Epist. IX. 26. We challenge the whole *array* of Roman critics of that age in regard to Greek eloquence. What could be expected of the author of the "*Panegyric*," and a man accustomed to address another as *domine*, sitting in judgment on the *democratic art par excellence?*

† For instance, § 14 is very good, and § 16 is very bad, as also § 17. Westermann says Demosthenes might sleep sometimes but not *snore* outright.

Lord Brougham, though he does occasionally allude to the speeches in public or state trials, such as those against Aristocrates and against Leptines, has confined his attention, for any purpose of critical examination, exclusively to the famous harangues just mentioned. Now, we take it upon us *in limine* to pronounce that no one can pretend to know what manner of speaker Demosthenes is, who has not—we will not say attentively read, but—thoroughly studied the judicial orations, especially those in public causes. These are, as we have seen, against Leptines, Androtio, Aristocrates, Timocrates, and Midias. The speeches here enumerated, together with the most famous of them all, that *de Coronâ*, and its fellow, the one on the Embassy, were regarded by ancient critics as his master-pieces. Theo of Alexandria says so in words which, with a view to some of our subsequent remarks, it is important to notice. "The best of his public speeches are those containing an examination of some law or decree of the assembly or the senate."* The long and elaborate speech against Midias—a tremendous *réquisitoire*—in which he prosecutes a man of condition, who was to him what Clodius was to Cicero, for one of the greatest outrages, or rather, for a series of the greatest outrages that ever disgraced even a Greek city—was celebrated among the ancients. It is said, whether justly or not, to have been made the subject of a special commentary by more than one of them, especially by Longinus. Yet, though mentioned as a model of its kind by Photius, others have imagined it imperfect, because it was never delivered. The oration against Leptines is still more remarkable. It shows none of the δεινοτης of its author. It is written, as Cicero observes,† altogether in the style for which Lysias was so much distinguished—simple, natural, flowing, equable, and above all, exquisitely elegant. F. A. Wolf says of it that, by reason of its high finish, none but a thorough-paced critic is competent fully to appreciate its graces. Mere amateurs, as we are, we are thus to take the pleasure, great as it is, which we have derived from it, as only an *antepast* and earnest of that which will reward more profound studies. Of the class to which it belongs, Wolf thinks none but the speech against Androtio will bear a comparison with it. It is not, perhaps, less on account of this wonderful perfection of style, than for its being replete with the most important and instructive matter, that the great scholar just mentioned chose it for the subject of a particular commentary, and by a learned edition of it in 1789, (says Becker) rendered as great a service to philology as by his famous prolegomena to Homer. But there is another remarkable feature in this speech which commends it more highly than any other work of Demosthenes,

* Theo Sophist. p. 5, Elzev. 1626.
† Orat. 31.

to the acceptance of a modern reader—its moderate, decorous and well-bred tone. It was made a theme of constant reproach to him, by his contemporaries, that his maternal grandmother was a Scythian*—as foul a stain in an Attic pedigree, as M. de Beaumont represents the smallest mixture of African blood to be in America. Diogenes the Cynic is said to have characterized him as Scythian in words, and civil (ἀστικὸς) in battle. And it is true that his eloquence, with all its unrivalled power and beauty, breathes in general a spirit of rudeness, ferocity and violence,† that contrasts singularly, (let German critics say what they please) with the politeness of Æschines, whose occasional ribaldry seems to us *aliquid coronæ datum* and mere retaliation. Be that as it may, there is nothing at all Scythian in his oration against Leptines. Whether it was that Leptines was an object of particular consideration to Demosthenes, or to whatever cause we are to ascribe it, certain it is, that numberless objections are urged against his system in the best possible temper. Some passages are distinguished by a striking degree of urbanity ;‡ those upon Conon and Chabrias are splendid compliments. But, above all this, the argument is conducted with consummate ability. The subject, indeed, as Wolf justly remarks, is placed in every possible light and completely exhausted, and the speech deserves to be regarded as a master-piece of forensic disputation.

Inferior to the oration against Leptines only in tone and diction, not at all less important, (if not more important still) for the matter it contains, and rising occasionally into far higher strains of eloquence, and even into the regions of the sublime,‖ the speech against Aristocrates, has attracted both from ancient and modern critics, quite as much attention as the master-piece just mentioned. Indeed, we doubt whether there is any other single production of Demosthenes which deserves so much to be studied with a view to the matter, and especially which throws so much light upon the *theory* of the Athenian constitution, and the whole system of legislation established by Solon. It has, accordingly, been very much commented upon with a view to these subjects by learned men, such as Salmasius and Heraldus. It is remarkable for the harmony of its periods—and yet, strange to say, all this pains was bestowed upon a piece written to be delivered as his own by one Eutyches, who is only remembered for having pronounced it. The oration against Androtio, is, as we have seen, in F. A. Wolf's opinion, the nearest approach in point of exquisite finish, to the perfection of the oration against Leptines. As Androtio the defendant, was a pupil of Isocrates,

* Æsch.

† Since writing the above, we remark that Dionysius says his only defect is want of χαρις or συστρατελσια.

‡ § 5, cf. § 31, 32. ‖ § 50 sq.

and a man of great forensic experience and celebrity, Demosthenes is supposed by critics to have bestowed, in a spirit of emulation, more even than his usual pains upon the composition of this speech. The oration against Timocrates belongs to the same category, and is altogether worthy to take its place by the side of the master-pieces just mentioned. It excels in the same features of close argument, acute, and searching analysis, condensed and powerful summing up of topics.* It deserves to be mentioned, that these orations, so admirable in every point of view, were all composed by Demosthenes when he was a young man of only eight-and-twenty or thirty years, and, like his arguments against Aphobus, when he was still a mere youth in his teens, indicate, by their faultless correctness and elegance, an extraordinary precociousness of mind. Wonderful that, beginning thus, he so completely surpassed himself by his subsequent efforts, that the author of the orations against Androtio and Leptines, is forgotten in the transcendant glory of the *crowning* speech. But one of his peculiarities as an *artist* was, that his whole life was progress; and it was progress, because it was study. He never put out his lamp, according to the tradition, until he was fifty, and his best speech was his very last—the ripest as the latest fruit of the autumn of life.

It is obvious to observe that the speeches, to which we have just called the attention of our readers, reveal the powers of Demosthenes in quite a different light from that in which even our best English writers, Hume, for instance, have been accustomed to contemplate them. They are all (except that against Midias,) to all intents and purposes, arguments, as we should call them, on points of constitutional law, as much so as any ever delivered in the supreme court of the United States by the Pinkneys and the Wirts. The mover of a decree either in the senate or the assembly (ψηφισμα), which was supposed to violate one of the fundamental laws, was liable to be impeached for it by any public-spirited citizen, before one of the tribunals of the Heliasts. The only restraint upon this power of impeachment was the provision that imposed a fine of a thousand drachmas upon the accuser in case he failed to obtain one-fifth of the voices of the jury, as happened to Æschines in the affair of the Crown. This prosecution of an unconstitutional law (γραφη παρανομων) was the palladium of Solon's legislation, yet, in most cases, it served only to show how wide the difference was between the theory and the practice of the government. We have endeavored to demonstrate, in a former articlet in this journal, how little security there was, in that practice, under the abuses of a degenerate democracy, for either life, liberty, or property. A reader of the speeches

* l. e. g. § 24 cf. § 19, § 25 and 26, are admirable for δεινοτης.
† New-York Review, No. XIII.

in question would be inclined to question the accuracy of the opinion there expressed. They place, it must be owned, in a very striking point of view the wisdom of the lawgiver, or rather (since wisdom ought to be more practical) his knowledge of the sins that most easily beset democratic government, and of the restraints necessary to prevent abuses of power under it. But in truth, whatever of seeming paradox there may be in the opinions referred to, is explained by the fact, visible in every page of these speeches, without going any farther, that the constitution of Solon was become in fact the cobweb it was from the first wittily pronounced to be by one of the Seven wise men. The laws were a mere name. They were treated as obsolete. The orators—the representatives by profession of the arbitrary will of the people—denied their authority in argument with as little reserve as they trampled upon their precepts in practice. Your laws are superseded, says Æschines, by detestable *psephisms**—and he might have added by a still more detestable judicature. There never was a clearer case in point, as we shall have to observe hereafter, than the result of his own accusation of Ctesiphon, who had plainly violated the law by his motion, and who was almost unanimously acquitted by the judges, to the confusion and ruin of the prosecutor. The will of the demagogue for the time being, was the law of the land; and even in reading these orations, a man of experience is enabled sufficiently to discern the true state of facts. The very attempts made to enforce the laws in their pristine severity show how frequently, how easily, and how glaringly they were violated with impunity.†

So much for the matter of these admirable speeches. The reader will perceive that it is difficult to overrate their importance to a philosophical student of the history of governments. But the point of view in which we now wish to present them to him, is exclusively philological. It is plain from what we have said of the tone, the diction, and the general scope and economy of these orations, that they belong to a class entirely different from that of the Philippics. They fully verify the remark of Aristotle, that judicial speeches are altogether more curious and complex in structure, as they are less simple and direct in purpose and bearing than the deliberative; and are, as he adds, the chief object of all systems of rhetorical instruction.‡ He, therefore, who

* Æschin. c. Timarch. § 35.

† "I know he will say the law is obsolete," is a common form of anticipating the reply of the adversary.

Who cares about your old laws, the *psephism* is a good one. c. Aristocr. § 14, cf. Ibid. § 26. The *senate* is bound by the law and the oath, but the tribunals are omnipotent, c. Timocrat. § 34. And look at the summing up in that speech, and in the oration against Androtio, for the multitude of laws violated without scruple by occasional *psephisms*.

‡ Rhet. l. ii.

knows Demosthenes only by the Philippics and other harangues in the assembly, may be said scarcely to know him at all; or, at any rate, to have a most imperfect insight into his intellectual character, and his infinite resources as an orator. Now this is precisely the case with the great majority even of highly educated people. Here is a melancholy instance of it before us in no less a personage than Lord Brougham, who has (or had some years ago) the reputation, among his admirers, of being able to teach almost any branch of knowledge lectured on at the university of Edinburgh. His whole dissertation from beginning to end is a tissue of error and sophistry, which, in so able a person, can be accounted for only by a very superficial attention to his author, or an imperfect acquaintance with his language, probably both.

To do his lordship justice, we will permit him to state in his own language the propositions to which we object. The first is that modern speeches are as much superior to the ancient in substance, as they are inferior to them in form, and that is not an absolute superiority merely, resulting from what he thinks deeper philosophy, larger views, more diversified information, and subjects of greater magnitude and splendor, (as to all which, *quære*,) but relative also. That is that a modern orator, in the very same place, and under the very same circumstances with Demosthenes, would have made speeches, better in point of substance for the practical purposes his were intended to accomplish than he did, and, *vice versâ*, that the Greek would have failed in the House of Commons by attending more to the manner than the matter, while Mr. Canning was quoting Horace and Mr. Brougham lecturing on political economy.

The first passage we shall quote is at pp. 428, 429.

"It is impossible to deny that the ancient orators fall nearly as far short of the modern in the substance of their orations as they surpass them in their composition. Not only were their views far less enlarged, which was the necessary consequence of their more confined knowledge, but they gave much less information to their audience in point of fact, and they applied themselves less strenuously to argument. The assemblies of modern times are eminently places of business; the hearers are met to consider of certain practical questions, and not to have their fancy charmed with choice figures, or their taste gratified with exquisite diction, or their ears tickled with harmonious numbers. They must, therefore, be convinced; their reason must be addressed by statements which shall prove that the thing propounded is just or expedient, or that it is iniquitous or impolitic. No far-fetched allusions, or vague talk, or pretty conceits, will supply the place of the one thing needful, argument and information. Whatever is beside the question, how gracefully soever it may be said, will only weary the hearer and provoke his impatience; nay, if it be very fine and very far-fetched, will excite his merriment and cover the speaker with ridicule. Ornament of every kind, all manner of embellishment, must be kept within its subordinate bounds, and made subservient merely to the main business. It is certain that no perfection of execution, no beauty of workmanship,

can make up for the cardinal defect of the material being out of its place, that is, indifferent to the question; and one of the most exquisitely composed of Cicero's orations, the one for Archias, could clearly never have been delivered in any English court of justice, where the party was upon his defence against an attempt to treat him as an alien; though, perhaps, some of it might have been urged in favor of a relaxation of the law, after his alienage had been proved, and the whole of it might have been relished by a meeting assembled to do him honor."

Now, as far as Cicero is concerned, and especially the speech for Archias, there is some truth in the objection—though it is but fair to remind the reader that the Roman orator begins by advertising his audience that he intends to deviate for once from the beaten forensic track. But did Lord Brougham never hear Sheridan speak? and would he have us believe that *he* was not listened to with pleasure by the House? or that he was a man to sacrifice style, and point, and imagery, to dry reasoning and solid information? We have it on excellent authority, for Lord Brougham at least, on his present utilitarian tack, that Sheridan's famous speech on the impeachment of Hastings, was excessively rhetorical and declamatory, as might be expected from the character of his mind, and that he showed more wisdom in suppressing than in making it. Yet it had its merits, no doubt, for the occasion, for it succeeded better, perhaps, than the best harangue of Mr. Fox, who himself, though a debater and nothing but a debater, was so little intent on informing his audience, that he professed not to be able to comprehend the problems of political economy! As to Lord Brougham's description of the sort of speech necessary to please a modern assembly, (by which he must be always understood to mean the House of Commons, for it is evident that very different things have had influence with other assemblies, as for instance the French Convention,) it is not an adequate, to be sure, but it is, as far as it goes, a very accurate description of a Greek business speech, as we shall see. And if Demosthenes is the prince of orators, as he unquestionably is, it is because, coming up to that description in everything required by the most severe taste, he adds to it every thing necessary to raise the language of truth and reason into that of eloquence and inspiration. Lord Brougham's so-called modern eloquence is no eloquence at all, but only sensible speaking: Demosthenes' speaking was not a jot less sensible than that of Sir Robert Peel or Lord Lyndhurst, but at the same time infinitely more powerful, persuasive and sublime. But this Lord Brougham denies.

His second objectionable proposition is that it is all a mistake to speak of the great orator as a reasoner, for that, although he did something marvellously like it, and seemed bent on doing nothing else, yet that in fact, when passed through his lordship's crucible, it is found to be just no reasoning at all.

"It is a common thing with those who, because Cicero is more ornate, suffers the artifice of his composition to appear more plainly and indulges more in amplification, imagine that he is less argumentative than the Greek orators, to represent the latter, and especially Demosthenes, as distinguished by great closeness of reasoning. If by this is only meant that he *never wanders from the subject, that each remark tells upon the matter in hand, that all his illustrations are brought to bear upon the point, and that he is never found making any step in any direction which does not advance his main object, and lead towards the conclusion to which he is striving to bring his hearers*—the observation is perfectly just; for this is a distinguishing feature in the character of his eloquence. It is not, indeed, his grand excellence, because every thing depends upon the manner in which he pursues this course, *the course itself being one quite as open to the humblest mediocrity as to the highest genius.* But, if it is meant to be said that those Attic orators, and especially their great chief, made speeches *in which long chains of elaborate reasoning are to be found*—nothing can be less like the truth. A variety of topics are handled in succession, all calculated to strike the audience.

"Passions, which predominated in their minds, are appealed to—feelings, easily excited among them, are aroused by skilful allusions—glaring inconsistencies are shown in the advice given to others—sometimes by exhibiting the repugnance of those counsels among themselves, sometimes by contrasting them with other counsels proceeding from the same quarters. The pernicious tendency of certain measures is displayed by referring, sometimes, to the general principles of human action, and the course which human affairs usually take; more frequently, by a reference to the history of past, and generally of very recent events. Much invective is mixed with these topics, and both the enemy without, and the evil counsellor within the walls are very unsparingly dealt with. The orator was addressing hearers who were, for the most part, as intimately acquainted as himself with all the facts of the case, and these lay within a sufficiently narrow compass, being the actual state of public affairs, and the victories or the defeats which had, within the memory of all, attended their arms, or the transactions which had taken place among them in very recent times. No detailed statements were, therefore, wanted for their information. He was really speaking to them respecting their own affairs, or rather, respecting what they had just been doing or witnessing themselves. Hence, a very short allusion alone was generally required to raise the idea which he desired to present before the audience. Sometimes a word was enough for his purpose; the naming of a man or a town; the calling to their recollection, what had been done by the one, or had happened to the other. The effect, produced by such a rapid interchange of ideas and impressions, must have struck every one who has been present at public meetings. He will have remarked, that some such apt allusion has a power—produces an electrical effect—not to be reached by any chain of reasoning, however close; and that even the most highly-wrought passages, and the most exquisite composition, fall far short of it in rousing or controlling the minds of a large assembly. Chains of reasoning, examples of a fine argumentation, are calculated to produce their effect upon a far nicer, a more confined and a more select audience. But such apposite allusions—such appropriate topics—such happy hits, (to use a homely, but expressive phrase,) have a sure, an irresistible, a magical effect upon a popular assembly. In these the Greek oratory abounds, and, above all, its greatest master abounds in them more than all the lesser rhetoricians. They would have been highly successful without the charms of composition, but he also clothes them in the most choice language, arranges them in the most perfect order, and captivates the ear with a music which is fitted at his will to provoke or to

soothe, but ever to charm the sense, even were it possible for it to be addressed apart, without the mind, too, being moved.

"Let any one examine the kind of topics upon which those orators dwell, and he will be convinced that close reasoning was not their object—that they were adapting their discourse to the nature of their audience—and that, indeed, not a few of their topics were such as they would hardly have thought of using, had they been arguing the matter stringently with an antagonist, 'hand to hand, and foot to foot'; or, which is the same thing, preparing a demonstration to meet the eye of an unexcited reader. It is certain that some of Demosthenes' chief topics are exactly those which he would use to convince the calm reason of the most undisturbed listener or reader—such as the dangers of inaction—the formidable, because able and venturous, enemy they had to contend with—the certainty of the peril which is met by procrastination becoming greater after the unprofitable delay. These, however, are the most obvious considerations, and on these he dwells the less, because of their being so obvious. But the more striking allusions and illustrations, by which he enforces them, are not always such as would bear close examination, if considered as arguments, although they are always such as must, in the popular assembly to which he addressed them, have wrought a wondrous effect."—pp. 431–433.

Now, as to a speech being good in form or execution, which is good for nothing in substance, we profess ourselves unable to comprehend such a thing. It smells of the rhetorician's art which is mere pedantry, and never did and never will contribute in the slightest degree to make any man really eloquent. We do not think this language of his lordship a jot less absurd, though somewhat less ludicrous, than an idea quoted, we think, by Blair, from the Père Rapin, that Cicero must needs be a better speaker than Demosthenes, because he had seen and studied Aristotle's Rhetoric, whereas the Greek orator had actually delivered and published his master-pieces before that work saw the light! We are firm believers in matter, or, which is the same thing here, in *mind*. Our experience—and it has been, we suspect, on this point, very much more extensive and diversified than Lord Brougham's—is conclusive that in any assembly met to discuss and do business, the speaker who really knows more about the matter in hand than any body else, and is at all in earnest about it, will be sure to lead, in spite of every disadvantage in style and delivery. We know it is so in the House of Representatives at Washington, for example—a body, of which, for many reasons, it is so difficult to command the attention, that we have heard intelligent foreigners inquire whether it ever listened at all. Yet, it does listen; and it listens to *any* one who has information to communicate on a subject interesting to it, and will do so with any thing approaching to brevity. It listens always to gentlemen who have established a reputation for speaking only to inform others, and to illustrate the question before the House. And so it is, we repeat, and so it has been, and so it ever will be with every assembly, rude or cultivated; in every country, barbarous or civilized, convened for such purposes as war and peace,

legislation and judicature. It is only under very peculiar circumstances, in moments, for example, of intense revolutionary excitement, when all argument is out of the question, that a mere declaimer can aspire to any decided influence. Here, as in the sister art,

"Sapere est et principium et fons,"

"get wisdom—get understanding"—

"Verbaque provisam rem non invita sequentur;"

or, as Milton quaintly but forcibly expresses it: "Whose mind soever is fully possessed with a fervent desire to know good things, and with the dearest charity to infuse the knowledge of them into others; when such a man would speak, his words, (by what I can express,) like so many nimble and airy servitors trip about him at command, and in well-ordered files, as he would wish, fall aptly into their places."* And not only does he command language, but he infallibly commands attention.

The idea that all this, though perfectly true in modern times, is inapplicable to antiquity, is preposterous. If Lord Brougham really thinks so, he is the first person of any note we have ever heard of, who would profit by that learned dissertation, mentioned in Gil Blas, to prove that, at Athens, little boys cried when they were flogged by their schoolmasters, just as they do at Oviedo or Salamanca. Let any one read the life of Demosthenes, and consider under what circumstances, and in the face of what an opposition it was that he maintained, for a generation together, such a decided ascendant in that fierce democracy, and he will see at once the absurdity of ascribing his wonderful success to the art of tickling the ears or the fancy of his hearers in set speeches—or to any other means than those which, in all ages and in all countries, have moved and controlled the minds and the hearts of men—strength of understanding, strength of will, sagacity in counsel, decision in conduct, zeal in the pursuit of his objects, and passionate eloquence to recommend them.

But not only is all that we have said, as applicable to the public assemblies of Athens, (other things being equal, that is to say,) as to those of any modern nation; it was, if possible more so. What does the epithet "Attic" mean? Lord Brougham has read Cicero's rhetorical works; at least, he quotes them profusely upon occasion. He knows, of course, that some of his most distinguished contemporaries objected to the Roman orator that he was not Attic, and that his constant effort, in many elaborate essays, is to show, that however austere the taste of the Athenians might be, it did sometimes admit of a copious and ornate style. The idea, then, was not that substance was to be a mere second-

* An Apology for Smectymnus.

ary thing, but that it should be every thing, and for that purpose should be presented in a diction as pure and simple as light itself. Lysias was the model they most affected. The epithets, by which Cicero characterizes this style, are all expressive of the severest taste and reason.* Compare with this account of it what Dionysius of Halicarnassus, a devoted admirer of Lysias, says of the prominent beauties of his eloquence.† What are they? Purity of diction, simple, popular idiomatic language, with a studious avoidance of every thing *tropical*, poetical or hyperbolical; great clearness, both in words and matter; the art, in which no one but Demosthenes ever surpassed him, of condensing what he had to say, and rolling it up and compressing it as it were into solid masses, to carry every thought with the utmost force to the minds of his hearers‡—that he was unrivalled in narrative and exposition, placing every topic just where it ought to be, and not only distinct but vivid and graphic in description, painting all objects to the very life, bringing them, as it were, in reality before the hearer; observing in all things fitness, decorum and character; aiming in all things at truth and nature, and recommending every part of the argument to the favor of his audience, by a certain native grace and sweetness diffused over the whole. Surely, if speeches, thus severely chastened, thus rigidly stripped of every thing savoring of theatrical pretension or foreign ornament, were successful, (as they are admitted to have been,) with the Attic tribunals, it could only be by dint of thought and sentiment. The merit of such a style, as that of every pure and transparent medium, consists in bringing out the objects themselves in their proper colors, shapes and dimensions. The perfection of *form*, then, of which Lord Brougham speaks, was to be without any apparent form—their art studiously concealed itself—their only affectation was that most delicate of all impostures, the affectation of simplicity. And this is so true, that we venture to say, it is the experience of every scholar without exception who has studied the Attic orators that he was at first excessively struck with a certain (we wish to say *statuesque*) nakedness of style. Lysias especially, like La Fontaine in French, is never appreciated by any one who has not

* He calls the Attics of this stamp "dry and sound," as a *gourmet* would speak of fine old wines—*sani et sicci*. *De Opt. gen. Orat.* 3. *Sincerum judicium Atticorum* that incorruptible judgment that would bear nothing in the least extravagant, affected or forced—*nullum verbum insolens, nullum odiosum*. In another place it is the "salubrity and as it were healthiness of Attic diction," *illam salubritatem Atticæ dictionis et quasi sanitatem*, which he contrasts with the gross and *fat* diction of the Asiatics, (*adipata.*)

† Judic. de Lysia Orat.

‡ The phrase is worth citing in the original: ἡ συγχέφουσα τὰ νοήματα καὶ σφογγύλως ἐκφέρουσα λέξις—needed in judicial speeches and very true ἀγῶν. c. 6. Cicero, speaking of the harmonious periods of Demosthenes, says, *cujus non tam vibrarent fulmina nisi numeris contorta ferrentur*, Orat. c. 70.

made himself very familiar with the Greek idioms; and the unceremonious, business-like way, in which Demosthenes opens and treats the subjects of his Philippics and other *deliberative* speeches, attracts the attention of a reader, fresh from Cicero, a great deal more than his sublimity and force and passionate earnestness.

Lord Brougham evidently supposes, and this notion is at the bottom of all his errors upon the subject, that every Greek oration was a mere theatrical exhibition. Indeed he says so in so many words. There is barely truth enough in this supposition to 'give color for the lay gents,' as special pleaders express it; but the conclusions which he draws from it are altogether extravagant, and entirely at variance with facts familiar to scholars. It is, indeed, undeniable, that throngs of curious spectators flocked from all parts of Greece to listen to some debate of great expectation,* just as people of leisure now repair to Washington for a similar purpose; and it is quite natural that this circumstance, by imparting more solemnity and splendor to the occasion, should induce the orator to make what he had to say as perfect as possible in its kind. But how it should affect the character of his speech in any other way, how it should induce him to sacrifice its real excellencies, and turn it into mere declamation, we own, we do not exactly perceive. It is also true that a high degree of precision and correctness in diction, a harmony of cadence, a fullness and finish in periods, not difficult to attain in a language of such infinite compass and euphony as the Greek, were required to please ears susceptible to the most refined delicacies of accent and quantity. Yet a wise man—Phocion, for instance†—would command their attention without any one of these graces (except perhaps the first) to recommend his oratory. It must be admitted, too, that Attic taste, so severe, so exquisite, in every department of art, might not be as indulgent as that of an English or American audience, to a slovenly, or feeble, or inappropriate style of speaking—that the most gifted orators, Pericles, for example, and Demosthenes, were unwilling to encounter the *Demus* without full preparation, though Demades and others did so continually—and that the master-pieces produced by the efforts made to come up to the demands of such a public, were in fact the perfection, the ideal, of the noblest of all arts. Then it must, also, be taken into the account, that many of these speeches were delivered in vast assemblages, where it was extremely difficult, as everything proves, to command attention, and where a little more emphasis and effort in delivery and in style might not be altogether unnecessary, and not in a St. Stephen's chapel, too small to accommodate even a British House of Commons, and

* Æsch. c. Timarch. § 25
† Plut. in. Demosth.

reducing the contests of orators to mere piquant conversation at close quarters, over a table. For that the shape, size, and character of the Hall—if it deserves the name—has had something, and even a good deal to do with fixing the style of English parliamentary debating, we have, after some attendance there, no doubt whatever; and we venture to predict that, if they turn the House of Commons, as they now think of doing, into a National Assembly, sitting in a *Beau Locale*, they will presently become less *colloquial*—"more Irish and less nice."* But, after making every possible allowance for the effect of a real difference in some external circumstances, we insist upon it that the Greeks drew the line between the panegyrical oration and the business speech—between Gorgias and Isocrates on the one hand, and Lysias and Demosthenes on the other, as rigidly, and more rigidly, than any other people, modern or ancient. It would be mere waste of time and space to load our pages with the evidence of a proposition so incontestable.†

It would indeed be the most surprising of all things that they who carried art to such perfection in all things, that every piece of marble that has been so much as touched by a Greek chisel becomes a precious stone, and their very geometry is a model of elegance, (without ceasing to be geometry on that account, as Lord Brougham well knows,) should not have perfected that art, of all others the most indispensable in every democracy, and in which theirs, in fact, lived, and moved, and had its being. That true eloquence should not flourish in a close oligarchy, or even such a mitigated one as governed England from the Revolution to the Reform Bill, (we say nothing of the bar,) is not at all to be wondered at.‡ But, among the Athenians! The most ligitious and disputatious of all men—continually judging and arguing causes, as exercising jurisdiction over half Greece—with a popular assembly, uniting in its own hands supreme executive and judicial, with legislative functions, and forever in session, they lived in the *agora* and the *ecclesia*. Power, wealth, distinction, everything that can excite the ambition and cupidity of mankind, and of the most ambitious, rapacious, and unprincipled of mankind, especially, was commanded in the days of Demosthenes by eloquence alone. Without office, place, or dignity, of any kind, without an election, or a commission from any constituency, mere volunteers on the *Bema*, to which the crier summoned all

* This idea of the effect of the place, etc., on the style of oratory, is broached by Lucian, *de Domo*, § 14, 15, 16, and by the author of the dialogue *De Causis Corruptæ Eloquentiæ*, c. 39.

† Cic. Orat. 12, sq Dionys. Halicarn. Περὶ Ἰσοκράτους, passim, especially § 12 (exactly in point). Id. Περὶ τῆς λεκτικῆς Δημοσθένους δεινότητος, from beginning to end.

‡ Magna illa et notabilis eloquentia alumna licentiæ, comes seditionum, etc. See the dialogue just quoted, De Caus. Corr. Eloquent.

who might choose to say what they thought of public affairs, the orators ruled the state, were practically its ministry, had the functionaries of the commonwealth, its generals, its treasurers, at their mercy. They themselves held responsible for their measures to any one that chose to impeach them, lived in perpetual war with one another, denouncing, prosecuting, defying each other face to face before the people, struggling desperately, *per fas et nefas*, not merely for victory and pre-eminence, but for life and for death. And yet, amidst such fierce and unsparing conflicts, with every thing in the shape of public and private interest to excite their zeal to the highest pitch, and to stimulate them to the intensest exertions, Lord Brougham would have us believe that these combats *à outrance*, (if there ever were such,) were mere Eglinton tournaments, where mimic knights tilted upon a field strown with saw-dust, and lances not made to kill were shivered for the amusement of fine ladies! That nothing can be farther from the truth, any one that opens the Philippics of Demosthenes will be convinced before he has read a page. He will find the orator every where engaged in mortal combat—literally breathing threatenings and slaughter.

As to the assertion that the Greek orators took less pains to inform their audiences than modern speakers, it is quite as gross a fallacy as the one we have been discussing, and springs, undoubtedly, from the same source. We refer to what we have already said in regard to the orations against Leptines, Aristocrates, etc. Not only are they as full of information as any speech in the four volumes before us—and Lord Brougham, we suspect, will hardly deny that they are pretty fair specimens of the best English speaking—but to say nothing of vices of style of all sorts that abound in these volumes, we should be glad to have a single oration in this whole collection pointed out, that, if England were no more than a tale of the past, would attract, by its contents alone, as much attention as either of the above mentioned productions of Demosthenes. Which of them will better deserve to be edited by some future Wolf, with learned *prolegomena*, upon the fiscal system of Great Britain, or to be made a subject for the commentaries of the Petits and Heralduses yet unborn? The fact is the very reverse of what the learned Lord alleges to be. The orators of Athens filled the places not only of the Parliament and the Ministers, as we have just seen, but of the modern Press, the "Fourth Estate," as well. They were all in all for the people. They were expected to be thoroughly versed in public affairs—in the constitution and the laws, the history, the policy, foreign and domestic, of the State. This was the province, the profession, the authority, the very existence of a public man. If *he* did not possess this information, who should? What was he doing on the Bema? What pretension

had he to lead the Demus? We do not now refer to the puerile notion which Cicero ascribes to Crassus, in his dialogue *De Oratore*, that the orator should be a living encyclopedia of science—Æschines and Demades, the latter especially, who made it a boast that he knew no school but the popular assembly, are enough—if any example were needed—to explode that. But, for politics and law, and especially everything fitted to illustrate the subjects embraced within either, his whole strength lay in his knowledge of such things, and his skill in turning it to account. Rhetoric and Statesmanship, indeed, were considered as synonymous terms.*

Lord Brougham could not possibly have fallen into so gross an error, had he not confined his views entirely to the Philippics, and the two great orations against Æschines; though even with regard to these his remarks are quite groundless. He seems not to have considered what was the peculiar character and objects of these famous harangues. The *Philippics* are not "chains of reasoning," to establish principles of science; they are rapid developments of practical truths, with a view to immediate action—they are vehement exhortations to the performance of duty, pressing every topic that can make it be felt as sacred and imperative. They fall within the class of deliberative eloquence, as it was understood by the Greeks, who regarded it, as we have seen, as more simple and direct than the judicial. It belonged, in the ancient democracies especially, rather to the category of *action*, than to that of science and speculation. It was, so to speak, a branch of the executive power. It aimed at influencing the conduct of men; it aimed at stirring them up to mighty exertions and high undertakings by whatever motives are best fitted to inspire masses with the enthusiasm called for by such efforts. The genius, which distinguished the orator on such occasions, was that of the statesman and the captain. What he needed was a rapid sagacity, a sure *coup d'œil* to seize every occasion and turn it to the best account, a clear perception of the relation between the means and the ends proposed, and the talent of inspiring others with his own confidence in the results. His eloquence is concerned with the future, rather than the past; it deals in prophecy and conjecture: it encounters danger with courage; it is sanguine of success in spite of difficulties. But mere conviction will not do; he must persuade, for his policy needs the sanction of others, and the success of an enterprize depends upon the spirit in which it is undertaken: *possunt quia posse videntur*. He must make his followers, if possible, as fanatical as the armies of conquerors—the Hannibals and the Bonapartes. He must make his people act like one man, and

* See Wachsmuth, Greek Antiq. v. 2. p. 196, (transl.) Pollux, 4. 16, for the ῥήτορες πολιτευόμενοι, Hermann Manual.

that man a hero—he must oppose a factitious Philip to the real Philip. But this is not to be done by long trains or chains of reasoning; how absurd and pedantic would such things be, were they even possible, under the circumstances in question! He must address himself to the motives of human conduct. He must show that his measures are practicable, are politic, are fit, are morally necessary. To this end sentiment is one of his surest resources—the sense of honor, the sense of duty, the example of an illustrious ancestry, the pride of long established superiority, the sacred obligation of transmitting to our children the heritage of liberty and glory handed down to us from our fathers. He resorts continually to topics like these, not because *he* has no better ones, but because in fact no others can possibly supply their place. In such cases, the end of all reasoning is to show that what we do, or will that others shall do, is reasonable, and this he does by showing that, being what they are, it is proper, it is becoming, it is right, it is indispensable that his hearers should pursue the course pointed out. He deals, therefore, not in syllogism and dissertation, but in maxims, in statements, in example and enthymeme.* He lifts them up to the height of his argument by working in them a moral regeneration. How else can he persuade them? How is he to prove to cowards that they ought to rush into the midst of dangers—to the slothful, that they should be incessantly vigilant and active—to the luxurious and corrupt, that they should prefer "hard liberty before the easy yoke of servile pomp?" He not only presses with the greatest force all the topics called for by the subject and the occasion, but what is a far more difficult task, he breathes into his audience a soul to appreciate them. Is he not a reasoner on that account? And, if that is not reasoning, which urges with the greatest force the best reasons that can be imagined to produce conviction under the given circumstances, what is? And is it not, at all events, absurd, to speak *de haut en bas*, as Lord Brougham does, of such a prodigious triumph of mind, warmed and elevated by the most heroical spirit, as if it were a mere theatrical pomp of words? To put an analogous case; suppose Lord Chatham, during his immortal *quinquennium*, instead of displaying his genius in action, by a prompt, peremptory and absolute exercise of a gigantic executive power, wielded by his will and turned in the twinkling of an eye, wherever he saw a vulnerable spot in the body of the enemy's empire, had been compelled, as Demosthenes was, to go into a popular assembly and obtain its previous consent; does any body suppose that the occasional inspirations of that great and ruling practical mind would have been uttered in long "chains of reasoning," in the

* Arist. Rhet. II. 20.

House of Commons, or in pregnant harangues after the fashion of Demosthenes?

If we are right in this view of the subject, the Philippics of Demosthenes are precisely what we should *à priori* expect them to be under the circumstances. They are still more—they are, like every thing else he has left, perfect in their kind—the ideal of deliberative eloquence in a simple democracy, attacked, threatened, beset on all sides by a new and formidable foe. We shall presently, when we come to speak of Demosthenes as a statesman, have occasion to remark more particularly on that prophetic sagacity which enabled him to discern in Philip—long before others saw any serious danger on that side—the future destroyer of Greece. But it was difficult for some time to convince the people of Athens that a "man of Macedon" could possibly entertain so audacious a project, or, if he did, that without a navy, and without the coöperation of some of the leading Greek states, he had the least chance of accomplishing it. The orator had, therefore, a double task to perform. He had to show that Philip really was formidable, but that, if met at once with powerful and systematic resistance, his ascendancy in the north, founded as it was on fraud, injustice and violence, would be effectually overthrown. This task he performs as no other man who ever addressed a popular assembly could aspire to perform it. His portraiture of Philip shows how clearly he had conceived his character and designs, and how worthy he was to be the selected champion of Greece against that great man. He saw all the bearings of his policy—he felt the impression of his strong will and his ambitious, persevering and indomitable spirit—he exposes the arts of corruption by which he makes himself a party in every state, and undermines cities otherwise unconquerable—he paints him in his campaigns exposed to hardship, to danger, arrested by no obstacle, discouraged by no difficulty, patiently waiting where he could not speedily execute, persevering always to the end; though a voluptuary, a free liver, a boon companion, loving to pass his evenings over the bottle with actors and gleewomen, yet sacrificing every comfort without hesitation, when he had an object to carry, exposing his life as if he had nothing to live for, giving up to fortune any part of his body she asked for, now an eye, then some other member, asking no compensation of her but success, and obtaining that always and every where, until a few more steps in his progress would bring his battering-rams up to the very gates of Athens. Let any man versed in the history of those times read over these orations of Demosthenes, and he will acknowledge that every view that could be presented by a statesman, that every topic, which a man thinking and feeling on the subject of Athenian rights and power as the orator thought and felt, could imagine

for the purpose of awaking a degenerate people to a sense of their dangers and a determination to resist them, is pressed with the most evident reason, as with unrivalled power. What would Lord Brougham have had him do more? What would he—master of all modern science—have done in his place? He has given us specimens of his skill at translations, which are truly Demosthenes done into Brougham. Suppose he furnish us with a substitute better than the original, and show us what "chains of reasoning" would have kept out the conqueror so long? Voltaire scoffs at somebody for attempting to demonstrate the existence of a God by "X *plus* Y *equal to* Z." Would Lord Brougham defend a city in the same way? or instead of Demosthenes, play Duns?

The strictures of the learned lord on the speech for the crown strike us as not less erroneous than what he says of the Philippics. We concede that such a harangue would have been out of place as an argument in the Exchequer Chamber: and, had the debate been confined to the issue in law, Æschines would certainly have carried his point. We have great doubt, however, nay, we more than doubt, whether he would have been successful, under similar circumstances, before an English jury, though controlled and directed by an English judge. But Demosthenes was not addressing a tribunal accustomed to confine the evidence and the argument to a single issue, joined upon record. This strict and salutary rule of English pleading, so essential to the proper operation of the system of trial by jury, was unknown to Greek judicature. There was, to be sure, a law forbidding the orators to wander from the matter in hand, (ἔξω του πραγματος λέγειν),* but it was no more enforced in practice than that other law which required, in all debates in the ecclesia, the subject to be first spoken to by men over fifty years of age. The popular tribunals (for so they all were) of Athens looked upon themselves as a mere commission of the general assembly, and as exercising in that capacity an arbitrary sovereign power. Law, as a science, had never attained to any great perfection at Athens, and, if it had, in a democracy so licentious, so immoral, so agitated, the sublime function of judicature would, under any circumstances, probably have been perverted and abused. We have already observed that the arbitrary conduct of the courts is quite consistent with the array of statutes intended to prevent it, which we see in many of the orations of Demosthenes. This, however, we must say for *him*, that his pleadings, both in private and in public causes, are as much superior to those of Lysias in tone and topics, as they are in force, point, condensation, and eloquence. This is one of the merits of that extraordinary man, in most things far above the age in which he lived. Ac-

* Lys. c. Simon, § 45.

cordingly his judicial speeches are generally exceptions to the practice, universal with others, of urging all the topics, however remote from the point at issue, best calculated to inflame and prejudice the minds of the court against an adversary, and make him too odious to hope for justice.

If his speech on the Crown constitutes, as it does, an exception to his usual practice, it is because the occasion itself was altogether peculiar. The technical issue was entirely lost sight of in the real one. This often happens even in modern assemblies. One of the most celebrated debates, perhaps the most celebrated, in our recent history, is that on Foote's resolution in 1830. Where was that resolution so much as touched upon? Mr. Webster, in his very happy opening of that speech, which alone would carry his name down to posterity, alludes to it once only, to justify himself for dismissing it altogether from his thoughts. Demosthenes does not "assume," as Lord Brougham affirms, "that his whole public life is put in issue :" it notoriously was so. He was pleading for a crown, meant to be conferred on him as the reward of all his labors as a statesman, a citizen, and a devoted patriot. That, and that alone, gave the least interest to the discussion. That, and that alone, provoked the hostility of Æschines, and overcame his habitual unwillingness to speak, and especially to address an audience which he could not but know was strongly prejudiced against him, and almost entirely devoted to his mighty rival. His only chance of success, to be sure, was in his unanswerable argument on the point of law, and under cover of that he could wreak "the hoarded vengeance" of years upon his detested adversary, with some hope, at least, of an *apparent* triumph—for a *real* one was evidently out of the question before an Athenian jury at that time.* He, accordingly, insists that they shall keep Demosthenes to the legal issue, while he expatiates at large into the history, public and private, of his life. His demand was a mere rhetorical artifice ; he knew it would be refused. The cause of Demosthenes was their own ; the history of his administration, however disastrous, they thought the glory of the state, and they sympathized with him too deeply in every syllable he uttered to think of abridging his account of it in the least. What, indeed, did it signify to men who had survived Cheronea, and seen Thebes effaced from the earth, and the liberties of Greece trodden under foot by Macedonian satraps, whether one of those crowns, of which they were then habitually so lavish, could be voted to a public officer before he had settled his accounts, or should be proclaimed in one assembly rather than another?

* No better evidence is wanting of this than the appeal of Demosthenes to the judges whether they did not know Æschines to be a corrupt tool of Philip—answered by them in the affirmative. This was in an early part, too, of his speech.

Lord Brougham, proceeding with his critical examination of this speech, comes at length to "the most celebrated passages of the whole," and admitting—we will not say how consistently—that "this truly magnificent passage cannot be too often referred to, or its merits too highly extolled," endeavors, nevertheless, to show that it is "not a piece of close and sustained argumentation." We can only afford the space necessary to animadvert upon what he says of "the famous oath." It is as follows:—

"Now, every way splendid and prodigious as this famous burst of eloquence is, in point of argument, and if viewed as a piece of reasoning, it is positively nothing. For it would then stand thus, and this would be the argument:—'My counsels led to your defeat at Cheronea; but because you won four or five great victories by following other counsels, or which is the same thing, these counsels in other circumstances, therefore I was justified in the disastrous advice I gave you.' Or thus: 'You gained great victories at Marathon, Salamis, Platæa, and Artemisium; therefore you were justified in fighting at Cheronea, where you were defeated.' Then as to the funeral honors, the argument would stand thus: 'The *victorious* soldiers, who were slain in the successful battles of former times, were buried with public honors; therefore the state rewards those who fall in *defeat;* and consequently the counsels are not to be blamed which are bold, although they lead to disaster.'"

We have never met with a perversion more pitiable than this, and we have no scruple in saying that a mind capable of it is incapable of appreciating Demosthenes. For, in the first place, with regard to "the funeral honors," the orator does not confine his allegation to those who fell at Marathon, etc., but extends it expressly to "many others,"* buried at public expense, all alike honored, *not* the victorious and the successful only;† "and rightly," he adds—"For the duty of good men and true had been equally performed by all, their success was various according to the fortune allotted to each by the providence of God." These are the words of Demosthenes, and our readers will at once perceive that whatever is illogical in Lord Brougham's proposition belongs to himself.

The other part of the famous passage speaks for itself, but to do it full justice it must be taken in connection with the whole context of the argument.

The peace party argued after the fashion of Lord Brougham. It is all very well, said they, to prate about Marathon and Salamis, provided you are pretty sure of success. But why lead us into an unavailing and disastrous struggle? Why not submit quietly at first, instead of waiting until defeat left you no alternative? Your Quixotic resistance has only made matters much worse. You left a thousand of your fellow citizens dead upon

* Και τολλους ἑτερους.

† Ἁπαντας ὁμοιως . . . . ουχι τους κατορθωσαντας οὐδὲ τους κρατησαντας μονους.

the field, and two thousand prisoners in the hands of the foe, to whose moderation alone we owe the salvation of the city itself. Such are the fruits of your insane counsels and your predestinated ill-luck, and yet you live, and not only live, but come here into the midst of those on whom you have brought so many calamities, and have the effrontery to ask, not for pardon or oblivion, but for thanks and a crown! Certainly his position was a very trying one, and nothing can give us a higher conception of his influence as a man, a politician and an orator, than the fact that, with Lord Brougham's *unanswerable* argument against him, he succeeded, in the midst of those very disasters, in convincing the people that they had done only what they were bound to do, then and at all times. He told them that the issue of all human counsels was in the hands of God; that he had not had the command of the army, and so was not strictly responsible for its defeat; but, even were he fairly called to account for it, he should think himself acquitted by showing that everything had been done that depended on his foresight, diligence and courage; they had discharged their duty as Athenians, and left the consequences to Heaven. It was a cheap wisdom which had nothing to say beforehand, but would denounce, after the event, measures of which it might and (if they were really so bad) ought to have prevented the adoption—like a physician at a funeral, mentioning for the first time the prescriptions that would have saved the patient. "If this man had done so or so, he had not died." εμβροντητε, ειτα νυν λεγεις.* This is the topic, which, as was remarked by some of the old critics, he was always insisting on.† Do not judge by the general result; examine each measure upon its own merits, in reference to the circumstances under which it was adopted. But that answer, however satisfactory to his hearers, does not satisfy him—he is not content to place his, or rather *their* case, upon such low though safe ground. Any other orator, Æschines or Lord Brougham, for instance, would have stopped there, and thought the argument exhausted. Not so, the heroical imitator of the glorious past. He ventures to go much farther; he disdains to skulk behind the uncertainty of events, and to ask indulgence and pardon for human weakness. He wants no forgiveness; he needs none; he throws away the advantage of his obvious and unanswerable defence. He challenges his adversary forth upon the ground on which he means to plant his own fame for ever. He concedes that the contest, instead of being a doubtful one—so doubtful, that Philip himself, when it was over, looked back to it with a feeling of awe—had been altogether desperate; and he maintains that the example of their ancestors, who had resolutely rejected

* Π. στεφανου, § 71. See 66. † Theo. Sophist. Progym, c. 11.

all offers of peace and protection from the Mede, if they would only consent to his conquering the rest of Greece, and had chosen rather to abandon their hearths and altars, and to give up their fair city with its most holy temples to be sacked and devastated by a barbarous foe, with no hope or resource but in "the courage never to submit or yield," and their gallant ships to fight it out unto the last—that their position at the head of the civilized world, and the duties it imposed upon them—left them no alternative but to resist—to resist with arms in their hands—to resist at all hazards, to the uttermost extremity, and be the consequences what they might. Even Lord Brougham himself, with a temperament most un-Demosthenian, and treating this whole matter as honest Jack Falstaff discusses honor, admits this splendid and prodigious passage to be successful—in spite of its being just no argument at all—and we venture to say that no man capable of interpreting Greek prose ever reads this chapter with its equally admirable context, without experiencing some, at least, of the tumultuous enthusiasm which Dionysius of Halicarnassus* declares is awakened in him by the eloquence of by far the mightiest orator that ever swayed the souls of men. Nobody has the least doubt that the paradox, so bold for a degenerate people, that Demosthenes begs they will not reject it till they hear him out with it, nobody has a shadow of doubt but that it is fully established long before he has done with it. There is not a man of us all but is ready to swear with him that it was all perfectly right, and would have been so, though Athens had been blotted out for ever from the face of the earth, and nothing left of her but the glory of such a defeat. But then, it seems, though the topic is so satisfactory, and so irresistibly put, it is no *argument*, and why? Because the great men, whose example is cited and whose merit Demosthenes alleges to have consisted in their courage, undismayed, even in what seemed a desperate case, having, in fact, succeeded after all, (though that, according to the hypothesis, is a perfectly immaterial circumstance,) it was not "a case *that ran on all fours*," with the one before the court. What is to be done with such Nisi-Prius cavilling? εμβρονσήσε τί λέγεις.

This part of the argument of Demosthenes rests upon an illustrious precedent, or rather a series of illustrious precedents, the history of Athens in the day of her glory and power. He aims to show that, in this second attempt of a barbarian (as he pronounces Philip) to conquer Greece, *her* position had been precisely what it was at the time of the first, and that *his* policy, as her adviser, had been, in all respects, except what he labors throughout his whole speech to prove was wholly immaterial—

* Π. τ. λ. Δ. δεινοτητος.

success in the issue—identical with that of Miltiades and Themistocles. What he regards as the great feature in the conduct of that heroic age was the sublime spirit of self-sacrifice in the people of Athens. Spurning at all terms, however tempting to baser natures, from the enemy, they had chosen, rather than see the liberty and civilization of Greece overthrown without an effort to save it, to abandon their country, for many reasons peculiarly sacred in their eye, and had determined, should events be, as seemed probable, unfavorable, to emigrate for ever to some distant clime.

It was not because Themistocles had *conquered* at Salamis that his name was immortal—that only proved his skill and address as a captain—but what made him a hero, and gives to the whole story of the war the air of mythology or epic poetry, was that he had *fought* there under such desperate circumstances—hazarding the very existence of the state upon a single cast of the die. It was the *spirit*, the generous *devotedness*, the nice sense of what was due to the superiority of Greek nature, and the unshaken determination to live Greeks or live no more. It was the choice of Achilles:

> Κῆρα δ' ἐγὼ τότε δέξομαι, ὁππότε κεν δὴ
> Ζεὺς ἐθέλῃ τελέσαι, ἠδ' ἀθάνατοι Θεοὶ ἄλλοι·
> Οὐδὲ γὰρ οὐδὲ βίη Ἡρακλῆος φύγε Κῆρα, κ. τ. λ.
>
> Il. 18. 115.

Certainly the whole reasoning of Demosthenes proceeds upon the *assumption* that all this is right. If you deny his principle, there is an end of the whole argument, for one of the first rules of logic is that there is no disputing with him that questions principles.* How should you prove to a Quaker that *any* war was just, or necessary, or glorious? How could Sir John's argument on the point of honor be refuted to the satisfaction of a jury of Falstaffs? If Lord Brougham does not feel and acknowledge the force of the precedent, as he seems not to do, then he is no fit judge of Demosthenes or his reasoning—the whole matter is to him *coram non judice*. But, if he admits the premises of the orator, his conclusion is irresistible; and the verdict of the only tribunal competent to do it full justice—the people of Athens—has settled the question for ever. Nor, indeed, do we envy him that reads this wonderful oration—wonderful in every thing that can enter into the composition of a perfect speech, but most of all in the heroical elevation of sentiment—without *feeling* it to be true that the motives, the conduct, the spirit of the contest, *were* those of Salamis and Artemisium—that this spirit had moved the mighty orator from the beginning, as it did to the end of his great and tragical career—had made him throw him-

* Contra negantem principia non est disputandum.

self into the breach on the memorable occasion, painted in all its terrors (in this very speech,) of the sudden capture of Elateia by Philip, when no other public man durst utter an opinion or propose a measure—had dictated his immortal manifesto, as full of statesman-like wisdom and high patriotism, as of matchless eloquence*—had gone with him on his embassy to Thebes, and there armed him with invincible might, and insured him a complete triumph over every difficulty of sloth, and fear, and rooted prejudice, and over the most formidable opposition from the partizans of Philip—and was *now*, in this last solemn account of his stewardship, by the lofty tones in which the examples of the past were invoked to justify his measures, attesting in the most unequivocal manner their moral identity. As to his failure in the great result, we shall say more of that hereafter, but the orator has not left us to conjecture the disadvantages under which he labored in his contest with Philip. In a passage of this very speech, they are most clearly and forcibly summed up.†

But we have already, perhaps, dwelt too long upon this part of the subject, and we must hasten to another.

The second volume, at the head of this article, is one of many contributions to the literature of Demosthenes which Professor Westermann has made within a few years past. This little volume contains his remarks upon the causes which the orator argued himself, in contradistinction to those wherein he furnished arguments to others. These were the *Lis Tutoriâ*, or his action of account against his guardians—the *Lis Midiana*, or his action against Midias for a ruffianly assault upon him, of which we have already spoken—the two contests with Æschines on the *Embassy* and the *Crown*—the *Lis Aristogeitonia*, two declamatory pieces, certainly not genuine—and the *Lis Harpalica*, involving the famous charge of corruption against him, for extending his protection to the fugitive treasurer of Alexander, and sharing in the fruits of his famous embezzlement. The book closes with an *epimetrum*, in which the author treats of the *repetitions* that occur in the orations of Demosthenes, and animadverts upon certain critical remarks of Lord Brougham in regard to them. We shall take notice of these, if our space admit of it, by and by.

1. The two speeches against Aphobus were delivered when Demosthenes was only eighteen or twenty years of age; the third is condemned as spurious. Crassus, in the Dialogue *de Oratore*,‡ mentions his appearing before the public, on an important occasion, at almost as early an age. In the case of Demosthenes, the wonder is greatly increased by the extreme maturity of thought and style that distinguishes these speeches. This was, indeed, so remarkable, that his master Isæus was charged with having helped him in the composition of them. The only

* De Coronâ, § 55. † Ibid. § 65. ‡ L. 3, c. 20.

difficulty in the way of that supposition is, that they happen to be better than any thing the said master has done for himself. The peroration of the first is extremely pathetic, and there is one point in it (§ 13) that is particularly well reasoned. The speech is in other respects a dry matter of account, which he states, item by item, with the precision of a master in chancery. He appears, however, to make out his case very clearly, and the judgment of the court shows that his evidence was as strong as his statement was plain. It seems that he was left, at his father's death, a boy of seven years old, with a sister two years younger, and a fortune, the bulk of which had been bequeathed to him, of fourteen talents, which properly managed would have increased, by the time he was of age, to thirty (about £7,250). Instead of this opulent estate, (for so it was then,) he received from his guardians only a house, fourteen slaves, and thirty *minæ* (£120) in money. This was the beginning of his misfortunes, and, according to some of his biographers, of his greatness. *Facit indignatio versus.* To be revenged on these wicked men, they suppose him to have devoted himself to the study of eloquence—as if the orator, *par excellence*, of all time, was a creature of accident or art, or as if any body can be eloquent, after the manner of Demosthenes, without a physical organization of a most peculiar kind. But it deserves to be mentioned that, if Demosthenes afterwards wrote, as we have seen he did, many speeches for money, this humiliating necessity was imposed upon one born for better things, by the profligate mismanagement of others. The profession of a feed advocate, or *logograph*, at Athens, was regarded with extreme disfavor.* Demosthenes himself informs us, it was generally admitted that the worst class in the community were those who wrote and spoke for money.† There is a terrible picture, though in very exaggerated colors, in the oration against Aristogeiton, of the vast influences, as well as of the detestable practices, of the orators in general, but especially the venal sycophants—brokers in iniquity, as they are called, who traffic in their influence with the people, and live on the terrors of the rich.‡

The speeches against Aphobus, we may add here, stand at the head of those composed for private causes. These are a curious variety of the Demosthenic style, and strikingly illustrate its wonderful versatility, so much extolled by Cicero and Dionysius. It is equally perfect, that is, fit and appropriate, on all subjects, from the highest to the lowest. There was no imaginable sort

[* Aristoph. Plut. 30.]

† Cont. Aristocrat. § 36. Cf. Midiana, § 52. "He will call me *orator*, to make me odious." Timocrat. § 17. "Have no pity for him, he writes for pay."

‡ Aristogeit. §§ 9–11. "The dogs of Demus." [Or rather keepers of the Dog, Demus, whom they starve into ferocity and let slip upon their enemies. Aristoph. Vesp. 704.] Passages, these, certainly not of Demosthenes.

of speaking in which he did not excel—observing every where the cardinal rule of Roscius, which that great actor declared it was so difficult to practise—*Caput est ârtis decere.* One of the false ideas which writers like Blair, and even Lord Brougham, instil into the minds of youth, is that this wonderful artist is a sort of tragedy-hero always in buskins and "sceptred pall"—the τριταγωνιστης of oratory, as he calls Æschines—or, worse yet, as if he were always, as Bottom says, "playing Ercles—or a part to tear a cat in—to make all split." Nothing can be farther from the true conception of a style of which the peculiar characteristic is *decorum*, as nothing, indeed, could be more insane than such uniform, unremitting vehemence. There is one class of these private causes which are reduced to some single point or exception beside the merits, and take the tone of an argument in our courts on a demurrer or a special plea. Think of Demosthenes the special pleader! But, though in general they are distinguished by any thing rather than the ranting vein ascribed to their author, his great power occasionally displays itself in no equivocal manner. Thus the first speech against Stephanus for perjury is admirable throughout, and contains some tremendous peals of denunciation.* So the speech against Olympiodorus for damages (ξλαξης) is exceedingly fine. That against Polycles is full of instructive matter about the trierarchy, sailors' wages, the corn trade, etc. In short, these arguments embrace a great variety of questions in Attic law, and are well worthy the attention of all who are curious about *comparative jurisprudence.* One other remark, altogether characteristic of Demosthenes, we will make in reference to these speeches, and that is that, like his arguments in matters of public law, they are, with but a single exception, every one of them for the plaintiff, or prosecutor. These causes were all restrained within certain limits as to time, varying, apparently, according to circumstances, and measured by a proportional allowance of water in the *clepsydra.* It is no uncommon thing for the orator to say, "I have a good deal more to add, but I see the water running short," or to find him crying out, when he called for the reading of a law or document by the clerk, (as was the usage,) "stop the water." The first maxim of Attic taste in all things is, *ne quid nimis*, (ουδεν αγαν)—when shall we learn, in this most long-winded of all countries, to imitate at least the Atticism of brevity?

The second of the causes in which Demosthenes appears in proper person, according to Professor Westermann's arrangement, is the *Lis Midiana.* This case, of which we have already said something, is very illustrative, both of the state of manners at Athens, and of the character of Demosthenes himself. It grew out of the cause against his guardians, in which Midias inter-

* § 23, cf. § 10.

fered to protect the latter, by procuring the orator to be charged with an oppressive liturgy—and when he declined it offering him, according to the Athenian law, an exchange of fortunes, by means of which Aphobus would have been at once discharged from all farther liability. It seems that in offering this *antidosis*, (such was the technical term,) the conduct of Midias was excessively brutal.* From this source flowed a most malignant and mischievous personal grudge on the part of the unprovoked offender, against the youth he had wronged: and many years after, when Demosthenes, as Choregus of his tribe, was making preparations for an exhibition of his chorus at one of the great public festivals, this ruffian (one of the principal people of Athens,) committed a series of outrages, ending with a box on the ear, inflicted upon the young orator in public. The people, indignant at such brutality, insisted that the offender should be brought to condign punishment, and accordingly measures were taken to effect that object. Among other things Demosthenes composed, but it is said did not deliver, his celebrated speech—having compromised his suit with his formidable adversary for thirty minæ (£120). Why did he receive this hush-money? Plutarch regards it as a proof that, although he was at that time thirty-two years of age, and had delivered one at least of his harangues in the assembly of the people, not to mention the four admirable speeches in state trials already adverted to, he had as yet too little political influence to venture upon so unequal a contest. He is led to ascribe the compromise to some such motive, from the irascible and vindictive (?) character of Demosthenes. Be that as it may, the compounding of this prosecution, together with a similar occurrence between him and one of his relatives, was matter of much pungent waggery. Æschines' sarcastic remark, that his head was a treasure to him,† shows at least the *on-dits* of the day. His determination to drop the prosecution was no doubt prompted, in some degree, by an indictment for desertion, and another for murder, which Midias immediately got up against him, and of which we hear no more afterwards, not even from his worst enemies.

We are not to judge of such an outrage, nor of the conduct of Demosthenes under it, by our modern standard. Corneille's Cid would not have been appreciated at Athens. They had no idea of the point of honor, in the chivalrous sense of the word. The individuality of the person, the haughtiness of the modern *moi*, were merged in implicit obedience to the law, and in the paramount duty of the citizen as a member of a community. The

* § 22.

† More literally, a "capital"—not κεφαλη, but κεφαλαιον, is a conjectural reading approved by Bekker.

honor of the Greek was a fanatical patriotism—he was at all times, and at any sacrifice of his own interests or feelings, to obey the command, to promote the welfare of the state. The pride of the citizen was the humility of the man. It was this ruling passion which Demosthenes, as we have seen, knew so well how to move, and which he did awaken to transports long unfelt, by his Philippics and his Speech on the Crown. But, independently of this high and ruling idea of Greek life, the Athenians were a people steeped in profligacy to the very lips, and wholly without shame or sensibility on subjects of honor. This shocking contrast between the exquisite in art, the polite in diction, the sublime in thought, and occasionally the great and heroical in sentiment, and a tone of manners and topics of discourse often the most low, vicious, brutal and cynical, is one of the most striking peculiarities of the ancient Greek world.

This speech against Midias is thus doubly curious, as exhibiting Demosthenes to us in a situation calculated severely to try his character, and as throwing light upon Athenian opinion on a matter of so much importance as the protection of the person. It appears, from a law cited by the orators, that every sort of violence or contumely (ὕβρις) was rigidly punished, so that an assault and battery was a high crime: even slaves were protected, by a popular action, against outrages of the kind. On this, as on other occasions, the court is addressed as if the degree and even the nature of the punishment were entirely at its discretion. The orator seems to think that death itself would not be too much—but, at all events, he demands that the defendant shall be rendered harmless by the forfeiture of the whole estate which at once inspired his insolence and secured its impunity. Not to extend these remarks unnecessarily, we will only add, that there are passages of great beauty and power in this speech; as for example, the noted one as to the circumstances that aggravate the character of an assault, (§ 21,) and the necessity of protecting, in his person, the security of all. (§ 59.) His argument, on the application of precedents cited by the adversary, or by himself, is extremely discriminating and powerful, sufficiently so, we should think, to come up fully even to Lord Brougham's ideas of "close and sustained argumentation." (§§ 11. 17. 19. 48.)

To do Demosthenes complete justice in this distressing affair, it ought to be mentioned, that it was not an action for damages, but a public prosecution, that he had instituted—so that his object was simply to punish the offender, and not to profit by the offence.

But by far the most important of the controversies in which he appeared himself, were the memorable ones with Æschines, *after* Eubulus and Philocrates, and *with* Phocion, the leader of

the Macedonian or Peace party, his mortal enemy, and the first orator of Greece, with the single exception of the great victor himself.

It is a remark applicable in general to the German writers of the present day, and particularly so to M. Westermann, that they treat Æschines just as Demosthenes did; that is, they receive implicitly all the charges made against him by the latter. This is like judging Hannibal by the Roman accounts of him.

We confess, for our part, that we are disposed, in this contest, to lean a good deal towards Æschines, just as in Homer we involuntarily take sides with Hector against Achilles. He has, for a Greek, a remarkably well-bred and gentleman-like tone, a calm self-possession, a quiet dignity, a nice sense of moral propriety, and bating some rather rhetorical passages, his speaking is perfectly Attic. His oration against Timarchus is a beautiful and most effective speech. Unfortunately it turns principally on so revolting a subject, and reveals, in the existing state of morals at Athens, such unutterable abominations, that it would sully the pages of a modern journal to do more than allude to its contents. Otherwise, we have never read a speech in a foreign language which we should feel more tempted to translate. It is particularly remarkable for a sound moral tone, and for a certain delicacy in the manner of dealing with such horrors. The oration in his own defence, when charged by Demosthenes with malversation in an embassy to Philip, is also an admirable master-piece; and his third and most celebrated, though unfortunate, effort against Ctesiphon, would probably have been reckoned the perfection of the art, had not Demosthenes totally eclipsed him in his immortal reply. These three speeches are all the remains of Æschines; for although, or rather, perhaps, because a great extemporaneous speaker, he published little. They constitute what is called, in the language of the Greek drama, a Trilogy—the beginning, the middle, and the end of his mortal combat with his more popular rival. Antiquity expressed its judgment upon them by designating them as the Three Graces. The origin of the feud was the first embassy to Philip to treat of peace. Up to that time Æschines seems to have distinguished himself as much by his opposition to the king, as Demosthenes. After his return, however, from that mission, he changed his course, and in a second embassy sent to conclude a definitive treaty with Macedon, he is charged with having, together with some colleagues equally disaffected or corrupt, purposely delayed the ratification until Philip had accomplished his projects in Phocis and Thrace—projects which the king had very much at heart, since these were the two most vulnerable points of Athens. Æschines seems to have contracted for Demosthenes a strong personal aversion during the first mission, and nothing can be

more graphic and humorous than his account of the behavior of his rival in their journeys as well as *at Court*. On their return from the last, Demosthenes and Timarchus, in concert, were preparing to impeach him for malversation in office, when Æschines turned upon one of his adversaries, and striking him down, seems for the time to have silenced, or at least foiled the other. He accused Timarchus of infamous conduct, which, according to Attic law, deprived him of the right of speaking in public. He was convicted, and, it is said, committed suicide in despair. Demosthenes wrote, as did Æschines, a long and labored speech, to be spoken in the impeachment of his rival. Whether they were delivered or not, is still matter of dispute. Some report that Æschines was, in fact, tried, and escaped but by thirty voices—others that, owing to the confusion of the times, the case was indefinitely postponed. M. Westermann suggests, rather plausibly, that the prosecution was never even instituted. The argument, which he considers as conclusive upon the subject, is one that weighed very much with Plutarch, namely, that no allusion whatever is made to it by either of the orators in their speeches on the Crown. But this fact may be otherwise explained; and Jerome Wolf well remarks that by the same argument it might be proved that the oration against Timarchus had never been delivered. We think it not improbable, however, that the success of Æschines in the prosecution against this man, and the odium, which his notorious and revolting infamy threw upon the whole cause, shook the nerve of Demosthenes, and made him abandon his purpose. If this was so, it is a remarkable instance of the pains which the ancient orators bestowed upon the composition of their harangues on great occasions—unless, indeed, we are to suppose that the suppressed speeches were circulated as political pamphlets. That of Æschines is the more finished production of the two—his rival's is considered as a mere *cartoon*—but it is a cartoon of Demosthenes.

With regard to the merits of the controversy, the impossibility of arriving at the truth must be apparent to any one who examines the state of the evidence. Contemporary history is perished with Theopompus; and what we find in later writers, such as Plutarch, is manifestly copied, or at any rate more or less deeply colored, from the mutual recriminations of the orators. It follows that we are, after all, referred to the speeches for the solution of the difficulties raised by the speeches? And what do we find in these? Palpable, irreconcilable contradictions, on subjects many of which must have been at that time matter of public notoriety. In the midst of a small society, in reference to events that had but just happened, we see them appealing, with equal confidence, to the testimony of the first men

in the state, nay, to public records, affirming and denying, with the most solemn imprecations, things which, one should suppose, the whole assembly must have known as well as any witness. Every allegation necessary either to the attack or the defence is clearly stated, and apparently made out by the most irrefragable proofs; you see them, with all the gravity in the world, bid the clerk read the document, the record, the testimony needed. Poor Wolf (Jerome) is so much annoyed and scandalized by this conflict of asseverations, that he inveighs continually in his annotations against the perfidious art of the orators. In one of them he quotes Lactantius to the same purpose, and heartily joins in the repentance expressed by the Christian Cicero, for having done any thing to promote this science of falsehood and imposture*—to say nothing of that anthology of vituperation, as it has been well expressed, which might be easily culled from these speeches—especially those of Demosthenes—bidding defiance to Billingsgate at its worst. M. Westermann *assumes* that this orator is more to be relied on than his adversary, and this he *assumes* because he *assumes*, again, that he was the better man, as he undoubtedly displayed more statesmanship, as well as patriotic devotedness, in his opposition to Philip. But this argument is by no means conclusive. It proves too much. It applies as strongly to Phocion, who voted with Æschines throughout, and who is universally admitted to have been the most upright man of the time, and worthy to be associated with Aristides. There is one consideration of very great weight in favor of Æschines. The war party was at that time decidedly the strongest at Athens; why did not the impeachment succeed?

As to what M. Westermann (pp. 48–50) considers as a confession of the defendant himself, it is absurd to separate, as he attempts to do, the fact from the intention. Æschines admits that on his return he made some such representations as had been imputed to him; but he resists the inference attempted to be drawn from them that he had betrayed his country. Far from denying, he boldly avows and most eloquently defends his policy in promoting the peace.† He draws a frightful picture of the calamitous consequences of the war, the waste of treasure and the dilapidation of the finances, the loss of no less than seventy-five towns, restored to the confederacy by Conon, and of a hundred and fifty ships of war, the resources of the state lavished only on the refuse of all Greece, the corrupt brawlers in the public assemblies, and their worthless dependants, until the city was reduced to the condition of a mere den of pirates, while her mercenary generals, instead of arresting the progress of Philip, becoming daily more formidable, were not even to be found on

* Ad. Æsch. de fals. Legat. § 3.
† De fals. Legat. § 24.

the theatre of war, but prosecuted elsewhere, without authority, enterprises of their own against the allies of the republic. In answer to the appeals to the conduct of their ancestors, in the Persian war, he reminds them of the effects of the invasion of Sicily, and of the terrible fruits of their obstinacy in persisting in the struggle with Sparta, when they might have put an end to it on moderate terms—the destruction of their walls, the overthrow of the democracy, the despotism of the thirty tyrants, and the execution of fifteen hundred citizens without a trial. It seems to us very conceivable, considering the situation of Greece at that time, (of which we shall presently say more,) that Æschines might have been governed by such views, and honestly advised peace, and all the measures which subsequently led to the ruin of his country. That he had been captivated by the plausible professions and amiable manners of Philip, during his first embassy, is very evident; why should he not have been his dupe? M. Westermann seems to think he had deliberately conspired with that prince to overthrow the liberty of Greece. Does he suppose so crafty a politician as Philip let an Athenian, an orator, a babbler by profession, into the secrets of his ambition? The only argument of any force against this view of the matter, is that pressed by Demosthenes in his speech on the Embassy. "Had he not sold himself, I should expect to hear him say something to this effect: 'Men of Athens, do with me as you please; I believed, I was imposed upon, I have erred, I confess. But be on your guard, Athenians, against that man; he is faithless, perfidious, wicked—do ye not see how he has used me, how grossly he has deceived me?' But I hear nothing of the kind from him, nor you neither. Why? Because he spoke under no error, or delusion, but for the wages of his treachery, acting the part of a good and faithful mercenary, but of a traitor ambassador and citizen, and deserving to die for it, not once, but three times over."* This is specious, yet a political party has seldom been known to change its ground on a discovery of its error, and still more rarely to confess its shame when it has been disgracefully duped. The Whigs, under the lead of Mr. Fox in 1793 and in 1803, were in precisely the same predicament in regard to the French Revolution, as that in which Æschines stood in relation to Philip—and they were as far as he from making any confession or retraction.

After the failure of this attempt upon the head of the peace party, we hear no more of conflicts between the great rivals until the last and decisive one. So far Æschines had been completely triumphant in defending himself. He had destroyed Timarchus, and driven back his great colleague himself, foiled and discomfited. But he had not supplanted this latter in the

* De fals. Legat. § 109.

affections of the people. Very far from it. Events had occurred since that contest which had given to Demosthenes all the credit of sagacity and patriotism. Philip, taking advantage of a second Holy War, set on foot by Æschines, (though it is very possible the latter might have been actuated by motives which, at any former period, would undoubtedly have led the Amphictyons to adopt the same measures,) pounced suddenly upon Elatea, and revealed, even to the blindest, his ulterior projects against Greece. Demosthenes, as we have seen, nothing daunted by this sudden and imminent peril, roused up Thebes to an alliance with Athens against him, and the fatal battle of Cheronea fulfilled the worst forebodings of the patriot orator. His country was fallen for ever from her political pre-eminence, but Philip was excessively ambitious of her praises. "Grecian, too, with all his vices." He wanted her for his theatre, and her wits and artists for his spectators, in the great part which he fully intended to perform, of Conqueror of Persia. He left her nominally an independent democracy. She still retained her darling παῤῥησια. The orators might still speak—of the *past*—and the last appearance of Demosthenes was on the occasion on which we have already dwelt, of Ctesiphon's motion to reward him with a crown. He comes forward now no longer as a counsellor, but as a historian, to justify his whole political course. It is the grandest piece of egotism on record—Milton's, perhaps, excepted. Yet is the subject so dexterously, or rather, we should say, so simply, so sincerely, so sublimely managed, that you forget the orator in the statesman, the statesman in the patriot, the patriot in his country, which seems to have engrossed, penetrated, transformed and elevated his whole being.

Surely it is not to be wondered at that this defence was triumphant. It was impossible it should fail were the laws ever so express against the honor proposed—were the calamities brought upon Greece by resistance to the conqueror worse even than they were represented to be by the adversaries of the orator. The democracy, except the name, was gone, but it had died on the bed of glory. The achievements, which Herodotus records in a simple tale of wonder, were *not* more worthy to be had in honor among men, were in nothing but in good fortune and in military skill superior to the last struggle to emulate them. But it was all over with popular government—Alexander had trodden out the first sparks of insurrection in Greece—he had effaced the antique and myth-honored Thebes from the map—he had demanded of the Athenians that their orators, and especially their great orator, should be delivered up to him to be put to death. He was pacified by Demades and did not press this demand. But the proscription of a patriot is his apotheosis in the eyes of those for whom he suffers, and whatever influence may be as-

cribed to his matchless genius and eloquence—matchless then and for ever—it is certain that through all his subsequent life—even when, under duress, they voted his banishment, nay, when they afterwards voted his death—he was without a rival in the affections of the people of Athens. It was impossible, therefore, that Æschines should have triumphed, had he even made, as he did, on the subject of the embassy, a better speech than his rival, instead of being, as he was, hopelessly eclipsed. The Macedonian influence on which he is supposed, and with good reason, to have counted, was not strong enough at the moment to have any effect on the issue of such a discussion. It served, on the contrary, to render him more odious—he was identified, like the Bourbons, with the conquest of his country and hatred for the foreigner. The relative positions of the orators with regard to the audience reversed their nominal parts. The prosecutor is plainly on the defensive throughout—the accused attacks with ferocity. The cause had been pending, according to the common account, eight years. M. Westermann thinks he has proved that the delay was only half that time. The difference is unimportant for any practical purpose. This solemn note of preparation, the reputation of the speakers, their inveterate hostility personal and political, the memory of their former contests and of the tragical end of Timarchus, the fact that one of the champions was backed by the Macedonian interest, while the other was cheered by the sympathy of a people as true to him in defeat and disaster as they had been in the day of triumph, the renowned democracy of two hundred years lifting up, for the last time, its spirit-stirring voice in the midst of a world doomed to hear it no more; the past, the present, the dark and hopeless future—every thing conspired to give to this immortal contest a character and an interest altogether unique in the history of the human mind.

The eloquence of Æschines is of a brilliant and showy character, running occasionally, as we have said, though very rarely, into a Ciceronian declamation. In general, however, his taste is unexceptionable—clear in statement, close and cogent in argument, lucid in arrangement, remarkably graphic and animated in style, and full of spirit and pleasantry, without the least appearance of emphasis or effort. He is particularly successful in description and the portraiture of character. We have spoken of the ridiculous light in which he places the behavior of Demosthenes on the first embassy, and the miserable failure of the great orator in his attempt to address Philip. His delivery seems to have been fine, though, perhaps, somewhat theatrical. Demosthenes alludes repeatedly to his musical and powerful voice, in comparison with his own rather feeble one,* as he contrasts

* De fals. Legat. § 61. φθεγγεσθαι μεγιστος.

his boldness and composure in speaking, with his own nervousness and timidity.* His well known ridicule of some of the strong phrases in which the passion of Demosthenes sometimes (we must suppose extemporaneously) vented itself,† shows him to have been a very Athenian for fastidiousness of taste. The reply of the great orator to this criticism is characteristic both of the man and the speaker—who are, indeed, inseparable—that to be sure, it signified a great deal to the welfare of the Greeks whether he used one phrase rather than another, or stretched out his arm thus or thus. His high opinion of his rival, however, is sufficiently betrayed by his frequent admonitions to the assembly to remember that their debates are no theatrical exhibitions of voice and oratory, but deliberations involving the safety of their country. His bitterest scoffs, too, against Æschines, have reference to his former profession of an actor, in which he generally had the "tyrant's part."‡ (τριταγωνιστης.) He tells them it is very strange that the same audience that had hissed and almost stoned him, when he attempted to play Thyestes, so that he abandoned the stage in despair, should listen to him with so much complaisance when he took it upon him to counsel them about the gravest matters.§ If you were choosing a crier, it would be of some importance to know what sort of a voice he had, but what does it signify in a statesman, and what eloquence or ability can recommend so bad a man? In his speech on the Crown his invective is nothing less than *gigantic*—he throws whole heaps of ribaldry and vituperation upon his adversary with "jaculation dire"—and if Æschines occasionally, though certainly not to the same extent, uses the same weapon, he may plead a provocation sufficient to excuse, or even to justify any retaliation. His piquant and graceful satire, however, is too light for such warfare.

What did the eloquence of Æschines want to make it perfect? That which distinguishes the eloquence of Demosthenes, above all others, ancient or modern,—earnestness, conviction, the power to persuade that belongs to a strong and deep persuasion felt by the speaker. The old question so much discussed among the rhetoricians, whether a great orator (we do not say speaker, merely) must be a good man, must undoubtedly be answered *sub modo* in the affirmative. He must be honest, at least *quoad hoc*. He must believe in the cause he pleads. Milton, in a passage, part of which has been cited above, says, "true eloquence I find to be none but the serious and hearty love of truth"—or

* Ibid. I who am before great multitudes as you say δειλος, as I say συλαβης. cf. Ib. § 64.

† Dionys. Halicarn. π. τ. λ. Δ. δεινοτητος says it is a false charge.

‡ De fals. Legat. 69. 71. Creon Æschines, etc.

§ Ib. §§ 95. 96.

more pfoperly, what the speaker believes to be the truth. This sentence ought to be engraved on the mind of every young aspirant. It is the great cardinal principle of all sound rhetoric, and is worth more than all Quintilian's twelve books put together. Faith, hope, love—the three Christian graces—are indispensable to excellence in any art—but of all arts, in oratory most. It is given to no man, be his genius or accomplishments what they may, to sway, with a real empire, great masses, with any other voice than that of *faith*, animated by hope, but above all, inflamed with zeal in his cause, and with "dearest charity," to impress his convictions on others. Do you expect to be eloquent? Say nothing you do not believe—the voice never lies—the slightest tone of nature will pierce and penetrate ten thousand bosoms as if with an electrical spark, but the least falseness or coldness, and still worse, affectation, there, is fatal. It is for this reason that the weak things of this world so often confound the wise, in this kind. It is a maxim in the Church, that no heresiarch has ever done much unless his temper was vehement. Fanaticism is always more or less eloquent, hypocrisy never—truly eloquent, we mean, not *disertus*, for, we repeat, eloquence is quite a different thing from good, and even from the best speaking. Many men have worked miracles by eloquence, who could scarcely have been, in any proper sense of the words, tolerable speakers, Peter the Hermit for instance. But they had that, without which the most exquisite use of language is without soul, without power. Was Mirabeau in earnest in his purposes? Of destruction down to a certain point, most certainly—not beyond that, and there he would have perished, like so many other half-way men. He had sworn hostility to existing institutions in bastiles and dungeons—he had given pledges to revolution by a life stained by every turpitude that could blot out the escutcheon of a gentleman born. The outcast Riquetti could not but be sincere in making war upon Montmorenci and Châtillon. He felt, it is true, (as who of them all did not in his own case?) the fancied superiority of his birth, and thought himself, as in fact he *then* was, all the better tribune for being descended, like Clodius and the Gracchi, from an ancient and illustrious line. But what did that descent signify to him, as long as he was debarred the privileges it ought to have conferred? The day was coming—was come—when he would have stopped short in his revolutionary career, and tried, for his wages, to stop others—but there he would have failed, and another Mirabeau—fruit of the *arrière saison* of full-blown mobocracy—the terrible Danton, would have had his head in the excutioner's basket, (if indeed it had escaped the butcher's knife of the Septembriseur,) long before the end of '93.

There is another man of that day, famous to all time, to whose

ability in this respect justice has not been done. Robespierre is said to have attracted Mirabeau's attention in the Constituent Assembly, although then only one of the "thirty voices" whom he treated, as events proved, with an ignorant disdain. *That man*, however, he saw and said would go far—because he had a *conviction*. He was right, as we know by the fact—he was sagacious in the ground of his conjecture. Robespierre *was* in earnest. He believed. Rousseau had in him as fanatical a follower as the Old Man of the Mountain ever sent forth to do a deed of blood. That, like Cromwell and other celebrated knaves, he turned imposter at last, is quite likely—it is the natural course of things. But he achieved his horrible greatness by *faith*. Beaux esprits and people of wit and leisure about town, at first, voted him a bore—a pedantic and tiresome rhetorician—but there was an audience out of doors who listened to every syllable he uttered, and "understood a fury in the words, if not the words." Both he and Danton were, in the proper sense of the word, far more eloquent than the hypocritical declaimers of the *Gironde*, who, beginning with a vast majority both in the Convention and in the Departments, were overthrown in a few months, and perished like felons upon the scaffold. The earnestness, the zeal, the decided and fanatical *nationality* of the Jacobin leaders, stirred up the people like the Marseillaise. Never was there such an example of the utter inefficiency of a mere talent for speaking, without any fixed, resolute, practical purpose, as is to be found in the famous struggle in question, between the Titans of democracy, "earth born that warred on Jove," and their nondescript adversaries.

The same advantage Demosthenes had over Æschines. He had faith in his country, faith in her people, (if they could be roused up,) faith in her institutions.* He thought and spoke of Philip for a long time as Nelson spoke of Bonaparte and a French invasion. Had he been as good a soldier as Phocion, he had acted out successfully what he felt. He is mad at the bare thought that a man of Macedon, a barbarian, should be beating Athenians in the field, and giving laws to Greece. To Lacedæmon, to Thebes under her Epaminondas, he might have consented to yield the supremacy; but that a king of a house whom they had but lately treated as their *protégés* and dependants, of a country whence, as he expresses it, they could not even get a slave good enough for their service, should aspire to be their master! Philip's astonishing successes had proved him to be a formidable enemy; but the orations of Demosthenes breathe all the confidence he felt that there was no real danger but in the

* There is a remarkable passage in one of his speeches, in which he says that democracy is not a good thing in theory, but it had always worked well in practice, at Athens. Cont. Leptin. § 23.

supineness of the people, the distraction of their counsels, the licentious conduct of their mercenary troops, and the bad faith or incapacity of their generals. Æschines, on the contrary, was become sceptical and irresolute. He saw less clearly, it is probable, the designs of Philip, and more clearly the inadequacy of the means of resistance. He is charged by Demosthenes with giving himself airs, and treating with contempt the *low people*. He saw how little chance democracy had of continuing, in any vigorous, constitutional form, an existence threatened by so many enemies, from without and from within. We have seen that the greatest man (in action) of that day, Phocion, thought with him. Many German writers consider the conduct of the latter as a perplexing moral problem. But surely the scenes revealed in their own historical sketches, sufficiently establish the truth that the cause of republican government in Greece was completely desperate, and that she was only waiting for a master to pick up the crown that lay ready for him on the ground. The great curse of misrule in the popular form had produced its usual effect of destroying, except in a few heroical or fanatical minds, as the case might be, all faith in it, and driving them to seek quiet and security under a king. That this was in fact the state of opinion on that subject, we have the most conclusive evidence to show. Not to mention the writings of the philosophers, on which we had occasion to dwell more at large in a recent number of this journal,* what more striking example could be produced than that of Isocrates—who would not consent to survive the disaster at Cheronea, and whom Dionysius of Halicarnassus pronounces the best teacher of political wisdom and virtue?†

Not very long before the great catastrophe, the veteran rhetorician addressed a discourse to Philip which is a most precious monument of those times. Disgusted at the scenes of violence, anarchy, and blood, in the midst of which, almost without any intermission, his long life of a century had been passed, he recommends, as the only remedy for the evil, that Greece shall be united by a common war, and should direct against the foreigner, the cupidity, rapacity and profligate contempt of law and authority, that were now tearing her own bowels. Philip was, in his opinion, the man to do this, and the conquest of Persia, the means. This discourse, among other things, shows very clearly, that the policy of Demosthenes, who was designated in a manner not to be mistaken, was reprobated not only by Phocion and Æschines, and their political party, but by men who stood aloof from all politics and all party. We can imagine, however, no greater compliment to his sagacity than this censure, founded, as it is, on the presumed friendly and pacific purposes of Philip. Though, to do full justice to that extraordinary man, we must confess,

* New York Review, No. xiii. † Judic. de Isocrat. § 4.

his whole ambition appears to us to have been to make himself another Agamemnon, conquering at the head of united Greece —just as his government in Macedon seems to have been a monarchy after the old patriarchal and Homeric fashion. Isocrates tells him* he perceives that he (the king) is traduced by certain envious people, accustomed to fish in troubled waters, and to look upon the common peace of Greece as a great personal calamity for them; who, neglecting every thing else, can speak of nothing but his power, as if it was growing to its present height, not for the benefit, but for the ruin of Greece, and as if the king had been for some time past plotting against them, and only professed to mean, when he should settle matters at Phocis, to assist the Messenians, while he, in fact, meditated the conquest of the Peloponnesus.—They alleged, it seems, that already the Thessalians and Thebans, and all the Amphictyonic states, were ready to follow him; the Argives, the Messenians, the Megalopolitans, and many others were prepared to make war upon and to overthrow the Lacedæmonians—that should he effect this he would easily subdue the rest of the Greeks—that they who held this idle language had succeeded by their sophistry in persuading many, and especially all such as desired the same social disorders as the authors of the reports referred to, as well as those who looked but little into public affairs and were thankful to any who pretended to feel so much concern and apprehension for them, and especially those who do not dislike the idea of his plotting against the Greeks, but look upon such designs on his part as rather a desirable thing. But these people, he continues, do not know, that by an indiscriminate use of the very same language, they injure some persons and honor others. Were any one to say, for instance, that the King of Persia was plotting against the Greeks and preparing for a hostile expedition, they would say nothing to his disadvantage, but rather make him out to be more valiant and more worthy than he is. But, if the same imputation were made against one descended of Hercules, who had been the benefactor of all Greece, it would be fixing a very serious reproach upon him. For who would not be justly indignant at his appearing to plot against those, in defence of whom his ancestor voluntarily encountered so many dangers, and, instead of endeavoring to keep up the good name and hereditary popularity of his house, should, on the contrary, meditate the most reprehensible and unwarrantable things. With such impressions, says he to Philip, you must not despise the calumnies, with which your personal enemies are seeking to charge you, and which all your friends feel bound to repel, etc.

A short time after Isocrates published this guileless expression of confidence, or this lesson in disguise to Philip, the victory at

* Ad Philip. § 31.

Cheronea showed him how little he knew his man, and fully vindicated Demosthenes from the charge of calumniating that innocent prince. This was the peculiar boast of the great statesman and orator. From the moment Philip, by his projects upon so important a city as Olynthus, revealed a systematic and far-reaching ambition, Demosthenes saw at once that a new power had arisen, that a new Hegemony would be aimed at, that another Leuctra would have to be fought with a nation not hitherto counted for any thing in the politics of Greece. While others were still thinking of their old enemy, the great king, by whose aid Conon, her second Themistocles, had restored to Athens her walls, her fleets, and her maritime ascendant; and by whose aid again Sparta had undone the work of Conon and sacrificed the interests, the independence, and the glory of Greece, by the disgraceful peace of Antalcidas, Demosthenes saw that Persia was among the things that had been, and that the real enemy was one much nearer home and never heard of before. He accordingly, as Isocrates says, spoke of nothing but Philip. It became a sort of monomania with him; but when, after the lapse of many years, his predictions had been fulfilled, all who mourned over the fate of republican Greece—bright and beautiful as, with all her faults, she had been in their eyes—did him, as we have said, an homage which nothing could ever diminish. He was accused of having behaved in a cowardly manner at Cheronea, and in a city full of sycophants (in the Greek sense) and personal enemies of his, sarcasm, accusations, and prosecutions of all sorts, rained down upon him. In vain. The very men, whom he was accused of deserting in battle, chose him, while their wounds were yet bleeding, in preference to so many other orators, to deliver the funeral oration over the brave that had fallen in that battle. This is a most remarkable fact; Æschines speaks of it in words of stinging severity; yet it was in obedience to the commands of the people; a jury of the vicinage, who must have witnessed the dastardly conduct imputed to him, as they had suffered from his ill-fated counsels, that he performed this, equally distinguished and delicate duty. There is, perhaps, no parallel to this, every thing considered, in the history of any other great man. He was baffled, disappointed, fallen, ridiculous in the eyes of the opposition, odious as the cause, however innocent, of such terrible calamities; without a party, for it was defeated, without a country, for it was conquered, and yet, instead of being disgraced, he was more honored and popular than before. His eloquence, his zeal, his devoted and even fanatical patriotism, had raised the people up to the height of his own heroical spirit. The speech of Lycurgus against Leocrates, who fled in terror to Rhodes after the disaster of Cheronea, shows how lofty and determined a spirit of resistance had taken possession of men's minds. When we

consider the depth of corruption and profligacy in which Athens was sunk, we are filled with wonder at this conclusive evidence of the influence of Demosthenes. He had "breathed a soul under the ribs of death"—he found the commonwealth, as Demades expressed it, the mere carcass of what it had been; he touched it with the fire of his genius, and it lived, and moved, and acted again, for a brief moment, as with its pristine vitality and vigor.

And let it be remembered that these effects were produced by speeches in none of which (as we have already had occasion to observe with regard to his private judicial arguments) does he condescend to any topics but the most elevated and ennobling. His rivals made a jest of his dwelling always on the glory of the past—on Marathon and Salamis, the Parthenon and the Propylæa. A modern writer* even censures his excessive freedom in chiding, nay, scolding the people. Seeking no personal ends, despising, from his haughty and morose temper, all favor, or protection, intractable, self-willed, looking upon his wonderful gifts themselves but as instruments to effect the objects of a life devoted to maintaining the ascendant of Athens in the Greek world, he spoke with the courage which disinterestedness always inspires. What had he to dread? Why should he dissemble fearful truths because they might be offensive to his audience? Was he to flinch from uttering counsels on which the salvation of the state depended, because they might bring odium upon himself—he, for whose proud self-esteem, nursed in studious solitude, popularity could never have had any very strong attractions? As to his successes as an orator, he was unwilling to speak except when the occasion demanded it, and then, Plutarch assures us, would sometimes refuse to do so without time for meditation, even though called for by the people; for his standard was the *Ideal*, and he knew what was due to a great subject and a refined audience. But it never could have entered into the heads of that audience, certainly it never occurs to his readers, that he would have received a compliment to his oratory, merely as such, in any other light but as an insult to his understanding.

But his sagacity in detecting the designs of Philip, his masterly policy in counteracting them, and the unrivalled grandeur and power of his eloquence, were all unavailing. The most superficial glance at the *external* history of that period will convince any one that the struggle to save the democracy, however noble and heroic, was in vain. The bare outline of events, presented even by such a writer as Diodorus Siculus, is enough to establish that. His sixteenth book is a necessary corollary from the fifteenth. From the seizing by the Spartans of the citadel

* Wachsmuth, v. ii.

of Thebes in Olymp. 99. 3., until the battle of Cheronea, in Olymp. 110. 3., every part of Greece was a prey to perpetual war, revolution, and *brigandage*. The life of Demosthenes, who, according to the prevailing opinion, was born in Olymp. 98. 4., covers this whole period. At the beginning of it we see Sparta at the very height of her despotic Hegemony in Greece. An insurrection, however, set on foot by a few Theban exiles, led by two of the greatest men, one of them, perhaps, the very greatest man of Greek history, subverts that domination so completely, that in a few years her most ancient dependencies are wrested from her, and her soil, for so many centuries undefiled by the foot of a foe, is overrun, and the Eurotas, according to the image of Demades, is startled, for the first time, by the trumpet of invasion. But the glory of Thebes descended with Epaminondas to the tomb, and the first holy war—which, begun and carried on in sacrilege and plunder, raged for ten years together—completely reduced that city to extremities, and placed her, with all Greece, exhausted and spiritless, at the mercy of Philip, now admitted into the Amphictyonic council, and invested, as a member of that body, with authority to meddle with the politics of the confederacy. Meanwhile, the Social War breaks down the power of Athens and cuts off all her resources, and with them the means of providing for her worthless population, hitherto fed by what may be called her colonial and federal dependencies, and of paying the mercenary troops, into whose hands the fate of nations had now passed. These selfish adventurers, whose country was their camp, and whose only fidelity was to the best paymaster, swarmed over the whole face of Greece. Citizen-soldiers—a truth Demosthenes did not see—were no longer fit for serving in war, become an art under the new tactics of Iphicrates and Agesilaus. That Philip, with his treasury filled by the gold mines of Thrace, with an army experienced and devoted to him, with lieutenants like Parmenio and Antipater to execute his plans, and himself, like Napoleon and Frederick II., that most formidable of all adversaries, a sovereign generalissimo, should overthrow the democracy of Athens, even had her badly appointed troops been led by Chabrias and Timotheus, is surely any thing but astonishing.* But what sort of chance could she have, whatever might be the courage and the enthusiasm of her people, with her armies under the lead of such a creature as Chares? Nothing shows more clearly how ripe the times were for another, and a *final* revolution, than the fact recorded by Diodorus, that Jason of Pheræ, meditated, even in his day, when Chabrias, and Iphicrates, and Timotheus, were in the height of their excesses, the conquest of Greece, and counted

* See what Demosthenes says, De Corona, § 65.

on effecting his object by means of mercenary forces, whom he justly preferred to the militia of his country for the purposes of offensive war.

If the impression made upon us by the external history of Greece at this period is so unfavorable, a view of its internal condition would fully confirm it. But our space does not permit us to do justice to such a topic,* and we have already, in the course of our observations, been compelled to say much of the deplorable corruption of the times.† The orations of Demosthenes and Æschines alone furnish abundant proofs of it—especially that of the latter against Timarchus. The familiarity, with which the orators charged each other, and the highest personages in society and the state, with the most flagitious crimes—with bribery, perjury, murder, and things not be mentioned in christian ears—is not more shocking than the cynical levity with which many of them confess and make a joke of their own dishonor. But the people of Athens had lost their personal identity, so to express it; they were no longer the Autochthones, so proud of their illustrious origin, of former times. As degenerate in race as in manners, they were steeped in the vices of ambitious poverty. The only way to fortune was politics or war—only two forms of piracy—and they served as mercenaries in both. The robbing of temples was a characteristic of the times,‡ and led—especially that of the temple of Delphi—to important consequences. They ceased to be safe depositaries of treasure, and bankers were ever after resorted to for that purpose, while the gold and silver formerly hoarded in them was suddenly thrown into circulation as money, and served to stimulate the cupidity and maintain the disorders of a piratical generation. But, more than all that, the great basis of all social order, religious faith or fear, was subverted by the profanation of its holiest objects. One additional circumstance is too important to be overlooked. It is said that Alexander restored to their respective cities not less than thirty thousand exiles, who lived, like the *fuorusciti* of the Italian republics, an army of outlaws, ever ready for any mischief. In short, civil society was in a state of dissolution; this war of all against all can endure no where a moment longer than it is absolutely unavoidable; and who can wonder, as Schlosser remarks,§ that even such a man as Phocion preferred Philip, an educated Greek, a Heracleid, and a constitutional monarch, to some bandit, and, perhaps, barbarous chief—the Sforza of his time—who would probably have succeeded, had *he* failed in his projects of conquest?

[* Aristoph. passim—Clouds. 900 sq.]
† See generally Isocrates, *de Pace*, especially § 27, sq.
‡ The elder Dionysius, the tyrant, was famous for his sacrilegious depredations.
§ Geschichte der Alten Welt. 1 Th. ii. and iii Abth.

The private character of Demosthenes appears in his speeches. It so happens, as we have seen, that of some of the most remarkable of these, his own conduct, feelings, and interests, were the principal subject. His contests with his guardians, with Midias, with Æschines, exhibit him to us as in a dramatic autobiography. But independently of this immediate relation between the author and his works, his eloquence, distinguished as it is by every excellence, is for nothing more remarkable, than for its *spirit*—its living spirit*—it is full of soul, to use a familiar but expressive phrase. From its sublime character, therefore, we may be sure, that whatever may have been his practice and conduct, his natural impulses were all as high as his sensibility was deep and exquisite. He teaches us how to appreciate him fairly, when he demands of Æschines that he should judge him, "not by comparison with the men of other times, but with those of his own day." Plutarch, referring to this standard, gives the palm to Phocion alone of all his contemporaries, to whom we ought to add Lycurgus, the orator, a man who seems to have lived and died without reproach, although he had been for twelve years entrusted with the management of the public treasury at Athens, and been made the depositary of immense sums on private account, and who, it deserves to be added, throughout the whole course of his life, adhered steadfastly to the party of Demosthenes. This last has found strenuous champions in the great German critics of the present day. They will admit nothing against him except some natural frailties of a venial character. The two capital vices with which antiquity charged him, and which, even Plutarch, with some hesitation, seems to concede, were cupidity and cowardice. It is now considered as settled, that the crime of having been bribed by Harpalus, has, notwithstanding the judgment of the Areopagus, under Macedonian influence, been completely disproved; but Westermann admits that he received considerable largesses from the Great King. He denies, however, roundly, that this is any proof of corruption; they were, according to him, mere subsidies, intended to be used against the common enemy. His defence of Demosthenes reminds us of that set up by M. Thiers for Mirabeau when that needy patriot made terms with the court, and determined on arresting (if possible) the farther progress of the revolution. Bribery, says the casuistical historian, is the wages of treason and prostitution, not the recompense of services prompted by previous inclinationst and independent judgment. Dem-

* Dionys. Halic. π. τ. λ. Δημοσθ. δεινοτητ. and compare what the philosopher Panætius apud Plutarch Demosth. says of his orations, extolling everywhere the τὸ καλον for its own sake

† Hist. de la Révolut. Française. This is the maxim of the civilians, Turpiter facit quòd sit meretrix, non turpiter accipit cum sit meretrix. Apo-

thenes has a still higher example to excuse his conduct in this particular. It is the better opinion, according to Hallam, that most of the leaders of the exclusionists in 1678—Algernon Sidney among them—who figure in Barillon's accounts with his court for secret service money, did, in fact, receive from Louis XIV. rewards for their efforts against a popish succession.* Nothing, however, could be more venial in the eyes of every good Athenian, than to reduce, by any means, the exchequer of his Persian majesty. Iphicrates, when accused of having taken a *douceur* of the kind, openly confessed it, and said, amidst shouts of approving laughter from the mean and profligate Demus, that the best way to make war on the barbarians was to send, not armies to invade their territory, but ambassadors to pocket their money.

The charge of effeminacy and want of courage in battle seems to be considered as better founded. Plutarch admits it fully. His foppery is matter of ridicule to Æschines, who, at the same time, in rather a remarkable passage in his speech on the Crown, gives us some clue to the popular report as to his deficiency in the military virtues of antiquity. Who, says he, will be there to sympathize with him? Not they who have been trained with him in the same gymnasium? No, by Olympian Jove! for, in his youth, instead of hunting the wild boar and addicting himself to exercises which give strength and activity to the body,† he was studying the arts that were one day to make him the scourge of the rich.‡ Those exercises§ were, in the system of the Greeks, for reasons which we had occasion to develop in a number of this Review already referred to, considered as absolutely indispensable to a liberal education.‖ That of Demosthenes was certainly neglected by his guardians, and the probability is that the effeminacy with which he was reproached meant nothing more than that he had not frequented in youth the palestra and the gymnasium, and that his bodily training had been sacrificed to his intellectual. That he possessed moral courage of the most sublime order is past all question; but his nerves were weak. If the tradition that is come down to us in regard to his natural defects as an orator is not a gross exaggeration, he had enough to occupy him for years in the correction of them. But what an idea does it suggest to us of the mighty will, the

point of resemblance is that Mirabeau refused many challenges without losing *caste* with his party.

* Constitut. Hist. of England, v. ii. p. 547, 8. He excepts Russell and Hollis; the latter declined, the former was not insulted with an offer.

[† Aristoph. Eq. 1379. sq.]

‡ Cont. Ctesiph. § 94. As to his soft garments, Æsch. cont. Timarch. § 26. cf. The pseudo-Plut. X. orat. in Demosth.

[§ τραφέντας ἐν παλαίστραις καὶ χοροῖς καὶ μουσικῇ. Aristoph. Ran. 728.]

‖ Teren. Eunuch. II. 3. 23.

indomitable spirit, the decided and unchangeable vocation, that, in spite of so many impediments, his genius fulfilled its destiny, and attained at last to the supremacy at which it aimed from the first. His was that deep love of ideal beauty, that passionate pursuit of eloquence in the abstract, that insatiable thirst after perfection in art for its own sake, without which no man ever produced a master-piece of genius.* Plutarch, in his usual graphic style, places him before us as if he were an acquaintance—aloof from the world; immersed in the study of his high calling, with his brow never unbent from care and thought; severely abstemious in the midst of dissoluteness and debauchery; a water drinker among Greeks; like that other Agonistes, elected and ordained to struggle, to suffer, and to perish for a people unworthy of him:—

> "His mighty champion, strong above compare,
> Whose drink was only from the liquid brook."

Let any one, who has considered the state of manners at Athens just at the moment of his appearance upon the stage of public life, imagine what an impression such a phenomenon must have made upon a people so lost in profligacy and sensuality of all sorts. What wonder that the unprincipled though gifted Demades, the very personification of the witty and reckless libertinism of the age, should deride and scoff at this strange man, living as nobody else lived, thinking as nobody else thought; a prophet, crying from his solitude of great troubles at hand; the apostle of the past; the preacher of an impossible restoration; the witness to his contemporaries that their degeneracy was incorrigible and their doom hopeless, and that another seal in the book was broken, and a new era of calamity and downfall opened in the history of nations.

We have said that the character of Demosthenes might be divined from his eloquence; and so the character of his eloquence was a mere emanation of his own. It was the life and soul of the man, the patriot, the statesman. "Its highest attribute of all," says Dionysius, "is the spirit of life—το πνευμα—that pervades it." His very language dictates to a reader how it is to be uttered, and I should think it impossible (it is the same critic who speaks) that one with the sense of a brute, nay, of a stock or stone, could pronounce his text without distinguishing the various meaning, and kindling with the changing passions of the master. This is the first and great characteristic of Demosthenes, the *orator*. You see absolutely nothing of the artist; nay, you forget the speaker altogether: it is the statesman, or the man only, that is

* The words of Cic. de Orat. l. I. c. 30. What besides natural gifts shall be needed? *Quid censes, inquit Cotta, nisi studium et ardorem quendam amoris* etc. And see the same thing said of Demosth. Lucian, Encom.

before you. To him, eloquence, wonderful as his was considered as mere rhetoric, is but an instrument, not, as in Cicero, a thing to boast of and display. This feature of his character has been well seized and portrayed by the author of a declamatory encomium on Demosthenes, ascribed to Lucian and printed among his works. Gesner and Becker after him will not consent to give it up; all we can say is that, if it is the work of the Voltaire of antiquity, Lucian was not Lucian when he wrote it. But, though too high-flown and exaggerated for its supposed author, it is a striking instance of the admiration in which the great orator was held by the Greeks in all ages. It is from him we borrow the phrase "the Homer of Prose," which describes so well the admitted perfections of Demosthenes as a writer. But it is not his style only that is extolled there. He admires his life, his administration, his truly touching and sublime death. He puts into the mouth of Antipater a supposed conversation in reference to this last event, in which the latter does justice to his great adversary in a magnanimous spirit, and regrets that he chose rather to die free and by his own hand, than survive a courtier for the favor, or a dependant upon the mercy of the conqueror. It consecrates forever that tragical scene at Calauria, and leaves the image of the mighty orator upon the mind with the greatest pictures of fiction or history—with Œdipus at Colonus, or Marius sitting upon the ruins of Carthage. We cannot join with the author in his blasphemy against heaven for the trials to which the greatest men have almost always been subjected, and none more than Demosthenes. We know that sorrow is knowledge; that, if in much wisdom there is much grief, the reverse is also true; and that adversity is the only school in which genius and virtue are permitted to take their highest degrees.

The second remarkable feature of the eloquence of Demosthenes is a consequence of the first: its amazing flexibility and variety. As he thinks only of the subject, so he always speaks like his subject. We have endeavored to illustrate this through the whole course of this paper. We wanted to eradicate the false and pernicious idea that *Demosthenian* is synonymous with *ranting*. At times, no doubt, on extraordinary and exciting occasions, he forgot himself in a transport of passion, and raged on the Bema, as Plutarch has it, like a Bacchante. But we will venture to affirm, that when he did so, his audience was as little conscious of it as himself, partaking fully with him in the phrenzy of the moment. In general, he aims at nothing but the true and the natural. Hence, every thing is perfectly appropriate and fitting, and, in the almost infinite range of his speaking, from a special plea in bar or in abatement, (παραγραφη,) to the sublime and ravishing enthusiasm of the immortal defence of the Crown, every thing is every where just what it ought to be—"proper

words in proper places." It is he that exemplifies Cicero's definition—*Is enim est eloquens, qui et humilia subtiliter, et magna graviter, et mediocria temperate potest dicere.** And accordingly, he remarks farther that he is fully equal to Lysias, to Hyperides, and to Æschines, in their respective excellencies, while he adds to them, whenever occasion calls for them, his own unapproachable sublimity and power. Dionysius of Halicarnassus goes still farther. In a work, written expressly to unfold the perfection of the *diction* of Demosthenes, (for he promised another and a separate one upon his other excellencies,) he shows, by a critical comparison of passages from the works of the orator with the most celebrated productions of other pens, that he was the greatest master of every style. He prefers him, for instance, to Plato, even in that kind of writing, in which the philosopher is considered as a model.

The third distinguishing peculiarity of Demosthenes as an orator is that his greatest beauties consist not in words or tropes and figures of rhetoric, similes, metaphors, etc., which he seldom condescends to use, but in thought, and sentiment, and passion. The forms he delights in most are all adapted to express *these*—to show the orator to be truly in earnest, and to enforce his opinions as matters of deep conviction with himself, and deserving to be so with his hearers. His grandest amplifications are only vehement reasonings. Hence, too, his occasional abruptness, and suddenness of transition and startling appeal, interrogatory and apostrophe—all the perfection of art because the dictate of nature, which Blair most absurdly censures as defects, as if the master of all style fell into such things because he could not help it. Cicero developes this topic at some length, and with his usual power of language, in one of his rhetorical works.† He represents his perfect orator, who is only an imaginary Demosthenes, as presenting the same topic often in various lights, and dwelling upon it more or less according to circumstances—as extenuating some things and turning others into ridicule—as occasionally deviating from his subject and propounding what he shall presently have to say, and when he has fully discussed any matter, reducing it into the shape of a rule or definition—as correcting himself, or repeating what he had said—as pressing by interrogation and answering his own questions—as wishing to be taken in a sense the opposite of what he seems to say—as doubting what or how he should speak—as dividing into parts, omitting and neglecting some points and fortifying others in advance—as casting the blame upon his adversary of the very

* Orat. c. 29, cf. 31.

† Orator, cc. 39, 40. Every reader of Demosthenes is familiar with such sentences as ουδε γαρ—πολλου γε και δει, etc., thrown so naturally in the midst of the most splendid passages.

things for which he is himself censured—as often deliberating with those who hear him, sometimes even with his adversary—as describing the manners and language of men—as making mute things speak [that is rare in Demosthenes]—as drawing off the minds of the audience from the true question before them—as anticipating objections which he foresees will be made—as comparing analogous cases—as citing examples—as putting down interruptions—as pretending to suppress or reserve something, or to say less than he knows—as warning those he addresses to be on their guard—as venturing at times on some bold proposition—as being angry, and even so far as to chide and rail—as deprecating, supplicating, conciliating—as uttering wishes or execrations, and using sometimes a certain familiarity with his hearers. He will, he continues, aim, at other times, at other virtues of style—as brevity, if the occasion call for it. He will bring the object often before their very eyes, etc. etc. It is, indeed, in such ornaments of speech as these that the grand excellence of Demosthenes consists—it is by these that it becomes a thing of life, and power, and persuasion—a means of business—a motive of action—but there is never the least prettiness or rhetoric—nothing fine, or showy, or theatrical—nothing in short, that can be spared, nothing that can be lopped off without mutilating and weakening the body as well as deforming it.

And this leads us to consider a fourth characteristic of his eloquence—its condensation and perfect logical unity. It is not easy, perhaps, without extending these remarks farther than would be proper here, to make ourselves quite intelligible upon this subject to the general reader. But every one that has studied Greek literature and art, will at once perceive that we refer to that unity of design, that closeness of texture and mutual dependence of the parts—that harmony of composition and exact fitness and proportion—in short, that αναγκη λογογραφικη, as Plato expresses it, which makes of every production of genius a sort of organized body, with nothing superfluous, nothing defective in it, but every thing necessary to constitute a complete whole, answering perfectly the ends of its being, whatever those may be.* What Cicero says of the Stoical philosophy† may be applied to the orations of Demosthenes. What is there in the works of nature where such a perfect arrangement and symmetry prevails, or in those of man, so well put together, so compact, so intimately united? What consequent does not agree with its antecedent? What follows that does not answer to that which goes before? What is there that is not so knit together with the rest, that, if a single letter be removed, the whole structure would totter? But, in truth, nothing can be removed, etc. We differ, therefore, entirely, with Lord Brougham, when, in one of the passages cited

* Plato, Phædr. p. 264. c.

† De Finib. iii. 22.

above, he speaks of this marvellous unity and condensation as a thing as much within the reach of mediocrity as of genius. It is, on the contrary, the perfection of Greek art, and the orations of Demosthenes are in this, as in every other respect, the most exquisite model of it.

Another excellence, that has been mentioned repeatedly in the course of the preceding remarks, remains to be particularly noticed. Not only do the orations of Demosthenes resemble the great works of nature in this, that their beauty and sublimity are inseparable from utility, or more properly speaking, that utility is the cardinal principle of all their beauties, but there is still another analogy between them. It is, that the grandeur of the whole result is not more remarkable than the elaborate and exquisite finish of the most minute details. Dionysius, in the essay so often referred to, aims to show that the orator was by far the greatest master of composition the world had ever seen. This critic may be relied on for such a purpose. His fault is, that he exacts in all things rather a pedantic precision and accuracy. In short, he is hypercritical, and is too little disposed to make allowance for small blemishes, even when they are redeemed by high virtues, or to approve and relish the *non ingrata negligentia*—the careless grace of genius. But, in Demosthenes, whose eloquence makes him perfectly ecstatical in its praise, he searches in vain for a spot, however minute. He takes his examples at random, and finds every thing perfect every where. Certainly, in the critical comparisons which he institutes between him and Plato and Isocrates, it is impossible not to admit the soundness of his judgments. This prodigious perfection of style he affirms to have been a creation of the orator's. He had studied, he thinks, all the masters who had gone before him, and, selecting from each what he excelled in, made up a composition far superior to any of its ingredients. Thucydides gave him his force and pregnancy, Lysias, his clearness, ease, and nature, Isocrates, his occasional splendor and brilliancy, and Plato, his majesty, elevation, and abundance. That Demosthenes studied, and studied profoundly, all these models, we have no doubt. Of Thucydides, especially, the tradition represents him to have been a devoted admirer. But *eclecticism*, imitation, was out of the question with him. Undoubtedly he was indebted to them for having done so much to perfect the instrument he was to use—the Greek language; and their beauties and defects were hints to him in the training of his own mighty and original genius. But that is all: had they never written, his works would not, probably, have been so unblemished in the execution, but they would infallibly have formed an era in literature, and displayed very much the same excellences that now distinguish them.

The instrument, of which we have just spoken, must not be

lost sight of in appreciating the Greek masters, and especially Demosthenes. When one reads the rhetorical works of Cicero and Dionysius, one cannot but perceive that the ancient languages, from their complicated and highly artificial structure, admitted of certain graces that cannot be aimed at, to any thing like the same degree, by any modern composition. One of these is *harmony* and rhythm. The effect, which a polished and musical period (in the right place) had on the ears of an Attic, and even of a Roman assembly, is scarcely intelligible any where but in southern Europe. But there was immense difficulty in avoiding a vicious extreme in the use of this art. If it were not directed by the most exquisite taste and judgment, it became very offensive, and gave to a business speech the air of a mere panegyrical or scholastic declamation. Not only so, but nothing was harder to avoid than the uttering of a complete verse, and nothing was reckoned more vicious. In this, as in every other respect, Demosthenes is pronounced by Dionysius a perfect model of judgment and excellence. With a compass, a fulness, a pomp and magnificence of periods that distance the efforts of Isocrates in the same style, he displays such an inexhaustible variety of cadence, his tone is so continually changing with the topic, there is every where such an appearance of ease and simplicity, that while the ear is always charmed, the taste is never once offended. He takes care always of the great capital object of eloquence—the being, and seeming to be in earnest. For this reason it is that he throws in occasionally those abrupt and startling sentences, so ignorantly censured by Blair. He thus avoids that *concinnity* which is too apparent and somewhat offensive in Cicero, who continually forgets his own maxims on this subject—that in all things sameness is the mother of satiety.*

That so great a master of the human heart as Demosthenes, that a statesman, occupied with the gravest public affairs, that a political leader, excited even to fanaticism by the conflict of parties and the war of the popular assembly, should have time or even inclination to give a thought to such *minutiæ* of style, may seem, at first, strange. But it is not so. In the first place, this perfection was become nature with him by the time he made his first appearance on the Bema. That lamp had not been burning in vain, in deep solitude, from his early youth upwards. But, independently of that, it is a mistake to suppose that they whose writings and speeches have had the greatest sway over the minds of men, have been ever careless about the form and finish of their works. The very reverse is the fact. Franklin, Paine, Cobbett, Paul Louis Courier, Beranger, Swift—were all not only

* On this whole subject see Dionys. Hal. π. τ. λ. Δημοσθεν. δεινοτητ. § 33, et sqq. and Cic. orat. cc. 44–70.

good, but exquisite, writers; minutely versed in all the secrets of the art of composition. And there is yet another instance, still more remarkable, as presenting more than one coincidence with Demosthenes. We mean J. J. Rousseau—the master, the Socrates of the French Convention, whose frantic declamations were mere paraphrases or perversions of his political speculations. Never, perhaps, has a writer exercised a more terrible influence; yet look at his matchless style, and see what he says, in his Confessions, of his extreme slowness and labor in composition.—Those pages, which seem to have been filled up as with a flood of spontaneous, irrepressible passion, in "those burning ecstacies" of his, were the tardy product of years of deep and mature meditation; those musical periods, that natural, various, and abundant language of sensibility excited even to madness; they were *not* dropped there in a fit of Sibylline rage and inspiration, but weighed, and trimmed, and recast, and polished over with a most mechanical precision and pains-taking, hundreds of times, before they were sent forth to wring and agitate the hearts of men. Shall we wonder at the elaborateness of Demosthenes, in the midst of by far the most cultivated people (we mean, of course, in reference to art) the world has ever seen? No better is needed of *their* taste, than the pains *he* took to satisfy it; his masterpieces were such because *they* required them to be so; and, both by his efforts to please them, and his success in doing so by works matchless in every perfection, he is the pride and glory, as he was the idol, of the democracy of Athens.

One thing more, and we have done. These speeches, however elaborately composed, were still speeches. Every thing is done to give them an air of business, and the appearance of being the spontaneous effusions of the moment. No extemporaneous harangues were ever more free and natural.* They were made to be delivered—some of them before tribunals composed of many hundred judges, others before the *ecclesia* itself, all of them in vast assemblages of people. Under such circumstances, in animated conflicts with able and eloquent adversaries, a graceful, impressive manner, a clear, audible, passionate voice, and all the other attractions of delivery were highly necessary. His own repeated failures, on account of some defect from personal disadvantages in this way, led him to utter the sentence so often repeated since, that, to an orator, the one thing needful is good "*acting*."† This comprehends the management of voice, air, countenance, gesture, movements upon the Bema, and the

* See cont. Timocrat. § 31. Cont. Mid. § 22, and F. A. Wolfe, ad Leptin. § 18.

† Ὑποκρίσις—not "*action*" as it has been improperly translated. The best essay, beyond comparison, we have ever met with, upon delivery, is in the author *ad Herenn.* l. iii. cc. 11. 15; the great object of all is to seem *in earnest*—*ut res ex animo agi videatur.*

ıttainment of the perfect self-possession, sure *tact* and nice sense ɔf propriety necessary to it. The art of delivery was rendered peculiarly important at Athens, by the extreme impatience and ntractableness of the audiences. We see evidence of this in ıll the remains of the orator. Whole pages of the very pre-ɔossessing opening of Æschines, on the Embassy, are deprecaːory of prejudice and unwillingness to hear argument. Many ɔther examples might easily be cited. In this, as in every other ɜxcellence of his art, Demosthenes was without a rival; and his ɔerfection here, too, must be described by the same epithets—he was natural and in earnest. His most formidable rival acknowledged this by describing him, as he does, as a magician or juggler in oratory, and as one whose passions are so much under ıis control that, when occasion demands it, he can cry more ɜasily than others laugh.* On this subject, Dionysius of Halicarnassus, in the essay already recited, after describing the effect ɔf these orations upon him, adds, "If we, at such a vast distance ɔf time, and no longer feeling any personal interest in the subjects, are so agitated, and controlled, and carried about in every direction by his eloquence, how must the Athenians and other Greeks have been led by the man then—when they were in the midst of the real struggle so vitally touching themselves, and he was delivering his own language with the dignity that belonged to him, and the courage of an elevated spirit, adorning and enforcing every thing with a suitable delivery, (of which, as all confess, and as is indeed evident from the very tone of his speeches,†) he was the greatest master.

Such was Demosthenes, the Man, the Statesman, and the Orator. If what we have written from impressions made upon us by a long and rather intimate conversation with the great original, should be found, as we flatter ourselves it will, to place some things in his history and character in a new or more striking light, to the general reader, we shall be most amply rewarded for the pains we have been put to in writing this article. In conclusion, we give it in as our experience, that the trouble (certainly not inconsiderable) of acquiring a competent knowledge of Greek for that purpose, is far more than compensated by the single privilege of reading Demosthenes.

The remarks we proposed making on the Epimetrum of M. Westermann, and Lord Brougham's admiration for the spurious speeches, are, for want of space, necessarily omitted here.

* Æsch. de Fals. Legat. § 20 and 27, calls him γοης, cont. Ctesiph. § 71.
† π. τ. λ. Δημοσθ. δεινοτητ. § 22.

THE ORIGIN, HISTORY AND INFLUENCE OF ROMAN LEGISLATION.

1. Lehrbuch eines civilistischen Cursus, vom Geheimen Justiz-Rath Ritter Hugo, in Göttingen, Dritter Bandwelcher die Geschichte des Römischen Rechts bis auf Justinian enthält. Elfte, sehr veränderte Auflage. *Berlin:* 1835.
2. Corpus Juris Civilis, ad fidem Manuscriptorum aliorumque subsidiorum criticorum recensuit, commentario perpetuo instruxit Eduardus Schrader, Jctus. In operis societatem accesserunt Theoph. Lucas. Frider. Tafel, Philolog. Gualth. Frider. Clossius. Jctus. Post hujus discessum, Christoph. Joh. C. Maier, Jctus. Tomus Primus, Institutionum Libri iv. *Berolini:* MDCCCXXXII.
3. Gaii Institutionum Commentarii Quatuor, cura. Augusti Guil. Heffter. *Bonnæ:* MDCCCXXX.
4. Commentaries on the conflict of Laws, Foreign and Domestic, in regard to Contracts, Rights, and Remedies, and especially in regard to Marriages, Divorces, Wills, Successions, and Judgments. By Joseph Story, LL. D., Dane Professor of Law in Harvard University. *Boston:* 1834.
5. Institutionum Juris Romani Privati Historico-Dogmaticarum Lineamenta, observationibus maximè litterariis distincta in usum prælectionum denuo adumbravit et Legum Duodecim Tabularum nec non Edicti Prætoris atque Ædilitii sententias integras, etc., adjecit. D. Christ. Gottlieb Haubold, antecessor, Lipsiensis. Post mortem auctoris edidit atque additamentis auxit D. Carolus Eduardus Otto, Professor Lipsiensis. *Lipsiæ:* 1826.

Mr. Hallam, in his "History of the Middle Ages,"* speaking of the civil law and its earlier professors in modern times, remarks, that he "should earn little gratitude for his obscure diligence, were he to dwell on the forgotten teachers of a science that is likely soon to be forgotten." As we do not affect to have done more ourselves than glance over the pages of the *Corpus Juris Civilis Glossatum*, and know (we confess it with shame) little more of those restorers of Roman jurisprudence than may be learned from Gravina or Terrasson, it is not for us to take up the glove for Azzo and Accursius, or to censure very severely the historian who omits their names in a general view of the progress of society. Yet Accursius has found in the first of elementary writers of the old school† a champion whose

* Chap. IX. P. II.

† Heinecc. Hist. Jur., § ccccxvii. He quotes and confirms the elaborate panegyric of Gravina de Ortu et Progr. Jur. Civ. § CLV.

zeal is equalled only by his prowess, and one does not very readily conceive how the history of the human mind, in the middle ages, can be written without reference to a branch of study, which, in its double form of civil and canon law, did, during that period, more than all others put together, to shape and control the opinions of mankind. But when that writer goes on to speak of the schools of the sixteenth century, and even of the great Cujacius himself, as of those "whose names, or at least whose writings, are rapidly passing to the gulf that absorbed their predecessors"—and still more, when he gravely assures his reader, that "the stream of literature, which has so remarkably altered its channel within the last century, (he is writing some twenty years ago,) has left no region more deserted than that of the Civil Law," he must pardon us for doubting whether he is the best of all possible pilots in that stream, or has explored with any pains the particular channel, of which he speaks with such flippant, and, as it happens, erring dogmatism. We trust we are not insensible to the real claims of the author of the "Constitutional History of England," to the grateful consideration of statesmen, as well as of scholars. That work, although far, in our judgment, from being perfectly satisfactory, is still a respectable one, and has, to a certain extent, filled a void in a most important department of knowledge. But the "History of the Middle Ages" is a compilation, as superficial as it is ambitious. That it should have attained to a certain degree of popularity and reputation is, in the present condition of English literature, unfortunately not to be wondered at. What does, however, we confess, seem to us a little suprising, is the extent of the ignorance—if extent can be predicated of such a negation—discovered in this positive announcement of the end, actual or imminent, of all study of the civil law, by a contemporary of Hugo and Savigny, of Niebuhr and Eichhorn, of Dirksen, Schrader, Göschen, and a host of other names, scarcely less shining than these.

Our very rubric, if we stopped there, were itself a refutation. We could, for this reason, scarcely resist the tempting facility of extending it much farther. We had, for instance, at first added to it the other six volumes that make up the complete *Civilistischer Cursus* of Hugo, together with the new edition of the *Jus Civile Anti-Justinianeum*, including (what had been omitted by Schultingius) the whole Theodosian code, published at Berlin in 1815, by a society of Jurisconsults, with a preface and index, by that learned professor, and published after the discovery of Gaius, with additions and improvements, in 1822–3. Haubold's *Lineamenta*, one of the works placed at the head of this article, would have supplied us with materials for the same purpose, *usque ad nauseam*. The scheme of that work is to present, in

a systematic form, the outlines of a course of lectures, or of a comprehensive treatise upon the elements and the progress of the civil law, with references, under each particular head of doctrine or history, to the writers by whom it has been most ably treated, as well as to the whole body of collateral and subsidiary literature. (*Apparatus Litterarius.*) The extent of reading, thus displayed, is prodigious—the volumes of "forgotten teachers," still studied by a learned Jurisconsult, are innumerable—and in a science condemned by Mr. Hallam to such speedy oblivion, it is quite inconceivable what a monstrous brood of this vain wisdom and false, and what is worse, (if he is right,) most perishable philosophy, has been brought forth, of late, as if in spite of his prediction, by an incessantly teeming press.

The truth is that, at no former period was there ever more ardor and activity displayed in the study of the civil law on the continent of Europe, than at this very time.* A revival in it took place some forty or fifty years ago,† when a new and healthier taste for the unique, in art and literature, began to be diffused. It was just then that Hugo first rose into reputation as a professor. The editor of this posthumous edition of Haubold's outlines,‡ in his preface, speaks of it as a return of the age of Cujas. It is even more than that. The great jurisconsults of the present day to equal zeal add more knowledge, that is, more exact and available knowledge, a penetration more refined and distinguishing, and, above all, views of the constitution of society, and of the principles, the spirit, and the influence of legislation, incomparably more profound, comprehensive, and practical. Criticism awoke about the middle of the seventeenth century, yet Bentley was long without a rival—and Niebuhr considers the sagacity of Perizonius, as thrown away upon an age entirely unworthy of it.§ The example and the lessons of Heyne and Voss have filled Germany with philologists, who have carried into every department of thought and knowledge, but especially those with which historical criticism has any connection, the spirit and the habits of enlightened, searching, and philosophical inquiry. Some of these writers are really great men. Many of their opinions—conjectural at best—may, in the progress of science, be qualified or refuted, but their general views are characterized by too much comprehensiveness and wisdom, are too agreeable to the analogies of society and human nature in all ages, to pass away with the fashions of a day.

At the head of these (*absit invidia*) stands Niebuhr, who, we acknowledge, is, with us, an object of most profound homage.

* Cooper. Lettres sur la Chancellerie d'Angleterre, &c. p. 480. (Ed. Bruxelles, 1830.)

† Eichhorn, Deutsche Staats and Rechts Geschichte, Einleitung, p. 27.

‡ Professor Otto of Leipsic.

§ Römische Geschichte, Vorrede, VIII. (Edit. 1833.)

We have studied his work, as he asks that it shall be studied, and as he professes to have written it, conscientiously, and with perfect freedom from all prejudice; and the result is that, even in the rare cases in which we do not share his conviction, we feel the force of his reasoning, and admire the depth and soberness of his views. To call him the first of philologists is to do him but very inadequate justice. No such mind was ever produced by a mere scholastic education. Uniting the qualities of Bentley to those of Montesquieu—when Montesquieu is not sacrificing his wisdom to his wit—but, with the additional advantages which both would have derived from the unspeakably instructive experience of the last sixty years, his pages challenge, and will reward, the meditation of the philosophic publicist. We ascribe to him the honor of having brought about a revolution—for it was nothing less—in the history of public law. He was, we believe, the first to lay his hand upon that key of the Past—the effect of races upon the revolutions of society, and the character of governments—of which Thierry has since made so striking an application in his History of the Norman Conquest, and his Letters on the History of France. It is not for his *doubts*, as some seem to think, but for his *discoveries*, that he is entitled to the thanks and admiration of the learned—not for what he has done to discredit the magnificent romance of Livy, (for the barren scepticism of Beaufort was equal to that,) but for what only such a combination, as has scarcely ever been seen in any single individual, of immense erudition, unwearied industry, and incessant vigilance of research, with matchless critical sagacity, could have enabled him to accomplish, towards explaining what was obscure, reconciling what was contradictory, completing what was defective, and correcting—often out of his own mouth—what was mistaken, or misstated, in Dionysius of Halicarnassus. His examination of this writer, for the most part the only witness we have to vouch for the antiquities of Rome, is a master-piece of its kind, and rivals the highest acumen and address of the bar. He sees intuitively when his author tells the truth, as sometimes happens, without knowing it, or knows the truth without telling it. He has an infallible instinct, in divining what is half revealed in a corrupt text, or in making an intelligible and consistent whole out of fragments separately dark, or not apparently related to one another. His conjectural emendations and reasonings *à priori*, always cautious, are rendered sure by his habitually patient and comprehensive inductions, and the immense command of analogy and illustration with which his various knowledge supplies him. Enabled by such means to anticipate what the truth ought to be, he detects it in the most blundering or perverted statement, turns to account every casual and distant hint,

and attaches to words uttered in one sense by the writer, a meaning entirely different from his own, yet more probable in itself, and serving, perhaps, to clear up parts of his narrative, otherwise incongruous or unintelligible. It is not, we repeat it, the negative but the positive part of his work that entitles it to its great reputation. It is a mighty creation, or if we may borrow a thought from an old writer, it is more, it is raising the dead. Niebuhr, himself, compares the task of the philologist in this restoration, or anamorphosis of the history of the past, to that of the naturalist gathering and putting together the fossil bones of a lost species of animal.* It is thus that he has rebuilt, with fragments picked up here and there where they lay scattered about, as by a tempest, over the whole surface of ancient literature, the sacerdotal and patrician City of the Kings, in its old Cyclopean strength and massiveness, and the awful forms of Tuscan mystery and superstition. It is thus that you are made to see the Eternal City, already with her triple crown—not mystical—of *gentes*—three privileged tribes of various origin, greater and lesser—incorporated successively into one people, and constituting, in legal contemplation before the legislation of Servius Tullius, the *whole* people—while the noble *plebs*, the city of Ancus Martius, the people of the Aventine, never equalled by any other but the commons of England, excluded from the rights of citizenship, is, for centuries together, fighting its way, like the Saxons under their Norman lords, into the pale of the constitution, and a full participation in its benefits. Never was more laborious and patient learning tasked to supply materials for the conception of genius, and the conclusions of philosophy, and never were such materials wrought by the hand of genius and philosophy into a more solid and stately fabric.

If Niebuhr had done nothing but rebuild the ancient city, and reveal, for the first time, to the light of history—of that history of the life and forms of a community which may so long precede, as he well remarks, all knowledge of individuals—the "buried majesty" of Rome, he had rendered an immense service. The Kings lived with honor in the traditions of the republic; each of them was the personification of some commanding or venerable attribute; war, religion, legislation, conquest, heroic virtues, sometimes heroic crimes, were ascribed to them in the popular legends. Servius Tullius, especially, identified with a revolution so favorable to the classes lying under political disabilities, as to produce, by its very excess, a reaction, followed by two centuries of perpetual struggle and contention to overcome it—made a great figure in their Romancero.† To write the history of this period

* R. G. B. III. 135.

† See the almost demagogical harangue put into his mouth by Dionysius, L. IV. c. 8. [Cf. Cujacii Observat. l. III. c. 2.]

was to explain that of the following, as on the contrary, the history of the following period confirms, by conformity, Niebuhr's views of this. His theory accounts for the phenomena, and is the only one that will do so. For two centuries and a half the people lived under the influence and the discipline of a patriarchal and limited monarchy, or Archonship: the national character was formed,—the great outlines of the constitution were traced,—the spirit of the laws, and, no doubt, most of their particular provisions, as they were afterwards recorded in the XII Tables, were developed and settled,—in short, the future destinies of Rome may be said to have been already decided at the expulsion of the Tarquins. The Kings had governed strenuously; they had waged many and successful wars; and their grandeur is still attested by works unrivalled, even by those of the Cæsars.* Nothing could be more justly the subject of regret, than the absence of all clear historical light (and satisfactory, though but conjectural) on so interesting and critical a period of Roman annals. The childhood and youth of the heroic city, like those of Mahomet, were hidden from our view, and lost to the purposes of instruction, and nothing but what was fabulous and distorted was known of her, until she sprang forth from behind this veil of myths, full-grown and ready armed for the fulfilment of her great mission, the conquest, the civilization, and, ultimately, the *conversion* of the world. By his account of the three different races which form this people, and especially of the connection with Tuscany—of the corporate existence, and exclusive privileges of the *gentes*, under a senate made up of their chiefs, and a president elected for life (the King)—of the somewhat undefined, but certainly intimate and controlling relation of the patron to his clients, retainers of the patricians to be carefully distinguished from the plebs—of the peculiar characteristics of that plebs, the whole infantry of the legion, led by the Sicinii and the Icilii, men as noble as the Claudii or the Quinctii, who denied them, through constitutional disabilities, the fruits of their valor—of the *nexi*, the *ager publicus*, the usury laws, and the influence, so inconceivably important, of the Augur and the Pontiff, the auspices and the calendar,† we have problem after problem of Roman history and legislation, solved in the most natural and satisfactory manner.‡ Freed from the shallow and delusive common-places of monarchy and republic, of aristocracy and democracy, of positive legislation, and governments arbitrarily adopted—ideas and language of what was called the philosophy of the

* Dionys. III. 67. [The Capitol. Tac. Hist. 3. 72.]

† See the speech of App. Claudius against opening the consulship to the Plebs, on the single ground that they had no auspices. Liv. VI. 41.

‡ The coincidence of our own opinions on the subject of Niebuhr's services with those of such a writer as Schlosser, not a little confirms our conviction of their justness. See his admirable Geschichte der Alten Welt, Th. II. abth. I. C. 2. pp. 253, and especially 284, note f. (edit. Frankfort, 1828).

eighteenth century, indiscriminately and absurdly applied to the institutions of all others—we now see the mixed constitution of Rome rationally, that is to say, historically accounted for. We see it, like that of England, under circumstances strikingly similar, developing itself through perpetual (though not, as in the case of England, bloody) conflicts, and successive compromises, between different, yet kindred, *nations*,* inhabiting the same territory, without being members of the same commonwealth—the minority in possession of the state continually yielding something to their determined, persevering, multiplying, and yet singularly potent and moderate adversaries, until they are melted into one body politic and one people. These struggles were a discipline that fashioned both parties to stern virtues, and an excitement that stimulated them to heroic exertion. They were struggles for law and justice—for constitutional privilege on the one side, and for natural rights on the other. In such a school, the great legislators and conquerors of the world might well be trained, and Dionysius of Halicarnassus has not failed to embellish his account of contests so fruitful of good, with discussions of public law, in orations imputed to the great names of those times, profound and elaborate enough to satisfy a Greek, a philosopher, and a rhetorician of the age of Augustus.

It is not, therefore, to be wondered at, that Hugo, among the advantages which he mentions as calculated to animate the zeal of the civilian in the present times, should give a decided prominency to Niebuhr's history.† But the other helps to a more accurate knowledge of the Roman law, than it was possible to acquire a century ago, are neither few nor inconsiderable. Niebuhr himself seems to regard it as a sort of special providence for the success of philology in this age, that, just as a new spirit of inquiry had been awakened, the discovery of Cicero's republic, and of the real Gaius, should have occurred to excite and to aid it in its enterprises. But here, as in so many other analogous cases, it is difficult to say whether this discovery stands in the relation of cause or effect to the zeal which it furnishes so opportunely with a powerful instrument. It is now very well settled that the Florentine copy of the Pandects had nothing to do with the revival of the study of the Roman law, however effective it was in promoting its progress; but, on the contrary, nothing seems to us more probable than that the revival of that study was the means of bringing to light and preserving this solitary and precious manuscript. It is not at all surprising that a new school of philology, pronouncing the knowledge of Antiquity still in its

* Τὰ ἔθνη is the very expression of Dionysius, X. 60. Speaking of the prohibition of mixed marriages in the two last Tables of the Decemvirs.

† P. 55. Yet Hugo seems to us, more than once in the course of this work, to "hint a fault, and, without sneering, teach the rest to sneer," when he speaks of Niebuhr's ideas as more approved by jurisconsults than by historians. p. 56.

infancy,* examining de novo all the evidence in relation to it, collating more carefully than ever the manuscripts of classical authors, and publishing editions of them so emended as almost entirely to supersede the old,† should have found such a collaborator as Mai, or that Mai should not have sought in vain, among the improvements of modern chemistry, for means to disinter (so to express it) from the Palimpsest the precious remains of ancient genius. Cicero's Republic is by no means the only conquest of the kind which the learned world owes to the celebrated librarian of the Vatican. His palimpsests of Ulpian and other writers are frequently quoted by Hugo, in the course of this work; but a still more important accession, in the opinion of that writer, to the resources of the philologist, are the Turin leaves of the Theodosian code, published by Peyron some fifteen or sixteeen years ago. Without referring to other discoveries mentioned by the same author, (pp. 21, 23,) it is sufficient to add that, what with new readings of old books and the acquisition of new ones, and what with a deeper study and more critical examination of those long in the possession of civilians, an entirely new aspect has been given to the study of the Roman law. Hugo quotes a letter from a friend, (p. 75,) in which, congratulating the present generation upon the change, he declares, that he had taken his degree of Doctor, before he knew who Gaius or Ulpian was—writers now familiar to all his *hearers*; and Hugo confesses as much of himself, in regard to Ulpian and Theophilus. Our own experience, fortunately for us, is not quite so extensive, and yet it is difficult to imagine a greater contrast than that which presents itself to us, in comparing this *Lehr-Buch* of Göttingen lecturer, with what we remember was the *course* of professor of the Civil Law in the University of Edinburgh, just twenty years ago. One who was initiated into this study, as we happened to be, under the old plan of the eighteenth century, with Heineccius for a guide, will find himself in the schools of the present day, in almost another world—new doctrines,‡ new history, new methods, new text-books, and, above all, new views and a new spirit.

In the preface to the first volume of this Course—the *Lehr-Buch* of a Juridical Encyclopedia—Hugo carries his reminiscences back to 1782. He made his *début*, however, as an author, in 1789, by translating into German, Gibbon's 44th chapter, in which that great master has contrived to condense into a few pages, a comprehensive, and, to the general reader, satisfactory account of the history, the principles, and even the spirit of the Roman law.§ The year afterwards he put forth a publication,

* Böeckh. Staats Haushaltung der Athener.
† Bekkers.
‡ Hugo gives a list of them, p. 57, note.
§ Gibbon is one of the very few historical writers of the eighteenth century, who

which he treats as the germ of the work at the head of this paper, and which has been since gradually expanding, through eleven successive editions, into its present form. Its title, when given to the world in 1790, was "a Lehr-Buch" of the history of the law up to our time, and contained only 170 or 180 pages. It is now a goodly tome, indexes and all included, of upward of 1200. We have read, with a melancholy interest, the remarks which, in the preface just referred to, the author makes in reference to his past successes and his present situation. His lecture-room, a few years ago too small to contain his pupils, was in 1833–4 comparatively deserted. His books, once bought up as soon as they were published, are, it seems, no longer very much in demand. For the decay of his popularity as a professor, he confesses, with a touching simplicity, that the infirmities of age may, in some measure, account. But in publishing, as he informs us, his *fortieth Lehr-Buch*, and as he has chosen to declare his last, he is at a loss to imagine why many more should not be called for by the reading public, who cannot, like his pupils, be affected by the dulness of his hearing, or the dimness of his sight. In what he has said of Göttingen's no longer giving the *tone* in legal studies, and the preference elsewhere manifested for the system of "Outlines," (such as Haubold's) over that of *Lehr* books, he has revealed to us at least one very powerful cause of the change. We have found another in the style of this work itself. It is thoroughly detestable—as bad as bad can be in a didactic, and especially an elementary work—involved, obscure, parenthetical, "cycle and epicycle, orb in orb." There are sentences on important and difficult points, requiring the utmost possible precision and clearness, which run down a whole page, winding their almost invisible course through capes and shoals of qualifications, exceptions, *obiter dicta*, and so forth, that are absolutely distracting, to a foreigner at least. Some of these vices are, perhaps, inherent in the very nature of a *Lehr-buch*, which is something between a book and a brief, meant to serve for a text to lecture from in universities; but we suspect that this most profound of jurisconsults is not the most eloquent, and that, since nothing more of novelty is to be expected from one whose doctrines have been so fully given to the world, students naturally seek those by whom they may hope to find new ideas broached, or old ones embellished. Besides, the veteran professor must not forget that the lessons which he has successfully taught, are become the arms of rivals in the hands of his pupils, and that the maxim of Napoleon, that it is given to no general to make war prosperously beyond a certain number of years, is

have stood before the criticism of the nineteenth. Niebuhr acknowledges "the Decline and Fall" as auch für den Philologen ein herrliches Meister-Work.—*Vorrede* to R. G. IX.

only a recognition of the inexorable law of succession and equality among the generations of men.

> Solve senescentem maturè sanus equum, ne
> Peccet ad extremum ridendus.

He has lived, too, through a period which, more than any that ever preceded it, has been, as we have seen, one of progress in his particular pursuit. That he has greatly contributed to promote that progress—that he has been, in some sort, the harbinger of a new era—that the great men, whose more recent glory has eclipsed his own, were many of them brought up at his feet and all of them enlightened by his wisdom—is a distinction which cannot be denied, and ought to satisfy him.

As we confine ourselves, in this paper, as much as possible, to the history and character of Roman legislation, and the study of the civil law, we will say little of the first and second volumes of Hugo's "Cursus," one of which, as we have already had occasion to observe, is only a sketch of a juridical Encyclopedia. The other is much more interesting, being a *Lehr-Buch of natural law*, in which an attempt is made to produce something, in that kind, that shall not be liable to the objections made, by Bacon and Leibnitz, to the old way of treating this subject. In this work he has embodied certain principles of political philosophy which all will admit to be bold, and some may pronounce paradoxical. The great dogma, for example, of the *historical school*, that, in the matter of government, "whatever is, is right," for the time being, and nothing so for all times; that positive institutions are merely provisional; and that every people has, *ipso facto*, precisely those which are best adapted to its character and condition.* We recognise in these doctrines a great fundamental truth, without a distinct perception of which, history becomes a riddle, and government impossible; but it is easily pushed to extravagance, and we are not sure that Hugo and his school have not given to it too much the color of a dark and licentious fatalism. His idea, too, of the boundaries between the *jus publicum* and the *jus privatum*, savors far too strongly of the despotism of Dorian legislation for our tastes. We are for making private property as exclusively as possible an affair of *meum* and *tuum*, and, in the spirit of our own constitution, would lean, in all imaginable circumstances, in favor of maintaining its sanctity inviolate, against the pretended claims of state necessity, or the indefeasible sovereign power of society.

We have frequently, in the course of the preceding remarks, had occasion to mention the discovery of the *real* Gaius as an event of the highest importance to the study of the civil law. We owe this accession to our literary treasures to the same great

* Civ. Curs. I. pp. 313–315.

man, whose work on the early history of Rome had already done so much for philology, Niebuhr. It was fitting that he who had made the best use of the old materials should have the honor of making by far the most precious addition to them. This *palimpsest*, (the darkest and most perplexed of any,) was found by him at Verona, in 1816, and deciphered, says Hugo, by Göschen, and Bethmann Holweg, with admirable success, in 1817. The existence of some such manuscript, at no very remote period, had long been suspected. Bynkershoeck, in his treatise *de Rebus Mancipi*,* after quoting the passage of Gaius preserved by Boëthius, in which *mancipatio* is defined, treats as erroneous the common impression that that fragment, together with another, *de Jure Cessione*, (neither of which was to be found in the Gothic abridgment,) existed only in Boëthius, and goes on to state that he had recently read a treatise by Cynus, in which those very fragments are cited, on the authority of P. J. de Ravini, as having been copied out of Gaius by *him*. Schultingius, to whom Bynkershoeck pointed out this curious passage, made very light of the allegation of the aforesaid Ravini, but Bynkershoeck himself saw no reason for doubting it, and Heineccius subsequently assented to that opinion, and asserts† or intimates the probability that a complete copy of Gaius was extant in the fourteenth century, when Ravini flourished. Be that as it may, no search was at that time instituted, and it was only within the last twelve years that civilians have enjoyed the light shed from this source on many dark or doubtful points, especially in the history of the law so imperfectly written by Pomponius.‡ As to Gaius himself, every thing had conspired to awaken the liveliest curiosity in regard to him. Just a century before Justinian undertook his compilation, (A. D. 426,) Theodosius the younger, and Valentinian, in order to correct, in some measure, the confusion arising out of a vast multiplicity of laws, and to introduce into the administration of justice, then in a deplorable condition, the science of a more fortunate era, addressed to the "Senate of the city of Rome" an Imperial *Constitution*, by which it was ordained that the judges should be bound by the opinions of five illustrious jurisconsults of an earlier age, Papinian, Paullus, Gaius, Ulpian, and Modestinus; that, if there were any difference in their opinions, those of a majority should prevail; and that, in case of equality of voices, that should be ruled to be law which Papinian should have pronounced to be so.§ We shall say nothing here of the other names honored by this singular *constitution*, a more suitable opportunity for doing so may hereafter present itself; but the

* Opuscul. Varia, 107.
† Histor. Jur. § CCCXIV.
‡ D. l. I. Tit. II.
§ Cod. Theodosian: l. I. Tit. IV. De Responsis Prudentum.

Gaius thus distinguished was no other than he whose Institutes, or, as they are described in the work itself, "*Institutionum Commentarii*," are named in our rubric, and have been the subject of our previous remarks. This, however, though an extraordinary, was by no means a solitary distinction. Throughout the institutes of Justinian, Gaius is often referred to, and the epithet of "*noster*," which always accompanies his name, and which led some to think him a contemporary of Justinian, is now clearly proved to express merely the very free use made of his work, in that of Tribonian, Theophilus, and Dorotheus. The commissioners of Justinian are found to have largely adopted the language, together with the arrangement of Gaius; but this fact was not known, for they had taken no pains to distinguish what they had borrowed from him, from what they had added of their own, nor indeed had they given us any reason at all to imagine the extent of their obligations to him. Another compilation, however, made a few years before, (A. D. 506) in quite a different quarter, purported to contain—along with copious extracts from Ulpian, and five books of the *Sententiæ Receptæ* of Paullus, with abridgments of the Gregorian, Hermogenian, and Theodosian codes, &c. &c.—an epitome in two books of the Institutes of Gaius. This is the "Gothic Gaius," as contradistinguished from the real Gaius discovered at Verona. The epithet of Gothic belongs to this collection as made under the auspices of Alaric II. king of the Visigoths, at that time established in Gallia Narbonensis, the very year before his defeat by Clovis. It was the policy of the Teutonic barbarians to govern their *Roman* subjects by the Roman law.* This personal, instead of a territorial jurisdiction, was a novelty in the history of nations; it served at once to mitigate the severities of conquest, and to hasten the union of the races under a new civilization; and nowhere were the effects of this policy more striking than in the south of France, where the foundation of the titular kingdom of Arles, in the ninth century, the early formation of the provençal dialect, and the existence up to the time of the Revolution, of a *pays de droit écrit*, attest, in the most unequivocal manner, the influence of Roman legislation, and the Latin language. This compilation of Alaric was sometimes called the *Breviarium Alaricianum*, and sometimes bore the more pompous title of Lex Romana, with or without the addition of Visigothorum. We owe to it, it is probable, the present mutilated condition of the Theodosian code, which ceased to be copied in its integrity, because this abridgment, especially after the legislation of Justinian, answered practically the same purpose. But to confine our observa-

* Among the texts to be found in the *Corpus Juris Germanici Antiqui*, to that effect, one of the most striking is in the laws of Lothaire I. (XXXVII.) at page 1224 of that collection.

tions to what relates to our particular subject—Gaius is deformed in it, as Oiselius expresses it, to suit the tastes or the wants of a barbarous period. The epitome in two books contains some twenty or thirty pages, octavo, in the Berlin edition, (omitting the notes,) and deviates so entirely from the language of the author, that it would be impossible for him to recognise in it any resemblance or approach to his own work. Yet, imperfect as it was in itself, this breviary had its mission, a high and important one, and it was fulfilled. Of this, however, we shall have more to say when we come, (as we trust we shall,) on some future occasion, to speak of what M. de Savigny has done for the history of the civil law in the middle ages.

The discovery of Gaius, we have said, is highly important with a view to the history of Roman jurisprudence. It is an excellent remark of Hugo's,* that, in a system of law, half of what is scientific, as contradistinguished from what is immediately practical and so quite mechanical, belongs to its history, and can be learned only through it. It is, however, just this part of jurisprudence, which alone reveals its true spirit without which the most important statutes are scarcely intelligible, and the greatest causes are but imperfectly argued, that is uniformly neglected in what they publish, by those best fitted to do justice to it, leading advocates and learned judges, the sages and oracles of the profession. It is so with our own common law ; it was so in quite as remarkable a degree with the civil law. We have already adverted to the meagre outline of Pomponius embodied in the Digest. There were few other fragments that might aid in supplying what was defective in that. The volume before us has added greatly to our stock of information in this particular. It is an exposition—occasionally, though not often, with a retrospective glance at what the law had been—of the elements of the law as it then stood. It is the work of one of the most illustrious of the Roman Jurisconsults in the palmy day of the science, the age of the Antonines, just bordering on that of the Severi. Gaius was a contemporary of Q. Cervidius Scævola, the master of Papinian. His work, besides, has been adopted by Justinian as the basis of his own Institutes. The difference, therefore, between the original text and the text thus adapted to the purposes of education in the sixth century, is all *history*. Now it happens that this difference is very wide. Justinian was a mighty innovator—we admit, in one sense, a great reformer—but at any rate a mighty innovator. Those changes extend to every part of the whole body of jurisprudence—to its most important provisionsits, most pervading principles, its most characteristic features, its genius, its maxims, and its policy. And this leads us to remark what struck us the most forcibly in reading Gaius, title by title,

* Introduction.

with the Institutes of Justinian. You see in the former, the Roman law in its highest *theoretical* perfection; you see it in the symmetry of an exact science and a rigid logic, pursuing its principles without limitation and without reserve, to all their legitimate consequences. Gaius speaks repeatedly of what he calls *elegantia* or *inelegantia juris*; that is to say, of what is or is not agreeable to the perfect harmony of its doctrines, and the strict logical filiation of its reasonings. A stipulation to give *post mortem meam*, or *cum morieris*, is void, because it is *inelegans* that a stipulation should begin only with the heir.* Another instance will be still more illustrative. By a *senatus-consultum* which Claudius, at the instigation of his freedman Pallas, caused to be passed, a free woman cohabiting with a slave, against his master's express prohibition thrice solemly pronounced, was herself reduced to bondage; yet she might, by a special agreement with the master, retain her own liberty at the expense of that of her offspring, who were to be born slaves. But the Emperor Hadrian, says Gaius,†—*iniquitate rei et inelegantia juris motus*—restored the rule of the *jus gentium* upon the subject, and ordained that the children should inherit the *status* of the mother. Now Justinian would undoubtedly have gone at least as far as Hadrian, as he in fact abolished the *senatus consultum* of Claudius, not without denouncing it as unworthy of the spirit of the age; but he would have been quite satisfied with the former of the two reasons, the *iniquitas rei*, to the correction of which he scrupled not, on every occasion, to sacrifice the mere symmetry of the law.‡ This we take to be the true character of his legislation. His reforms are a perpetual sacrifice of law to equity, of science to policy or feeling, of *jus civile* to *jus gentium*, of the privileges of the citizen to the rights of man, of the pride and the prejudices of Rome to the genius of humanity consecrated by the religion of Christ. There are those who seem to imagine that the civil law has existed as a science only since Justinian published it in the form of a code. The very reverse is the fact: the civil law lost so many of its peculiarities by his unsparing reforms, that it may be said, more properly, to have ceased to exist at that time; to have been completely transmuted into the law of nature, and the universal equity of cultivated nations, to which it had been, for a long time, gradually approximating. It is this extraordinary change that is brought before us, in a sudden and striking contrast, by collating the text of Gaius with that of Justinian,—the Institutes of the

* P. 154, 155. † P. 22.

‡ A passage very much in point and highly illustrative of the *subtilitas*, as Justinian himself calls it, of the *jurisprudentia media*, contrasted with his own views of the law, is to be found, Institut. l. III. t. 2. § 3. *De legitima agnatorum successione*. He applauds the Prætor for his humane purposes, but thinks that the *bon. possessio unde cognati* had not gone far enough.

Roman law, strictly so called, and the Institutes of that law, purged of almost all that was Roman, that is since become, in the hands of Domat and Pothier, of Voet and Vinnius, the "written reason" of Christendom. "*Populus itaque Romanus,*" says Gaius, "*partim suo proprio, partim communi omnium hominum jure utitur ;*" even so, but the proper has been merged in the common, just as the text of Gaius is in that Tribonian, to the exclusion of *res mancipi, actiones legis*, and distinctions between classes of legacies, and freedmen.

This view of the subject is so important in reference both to the history of the civil law, and to the philosophy of jurisprudence in general, and has especially such a bearing on the question, whether the former is likely "soon to be forgotten," that we shall be excused for pursuing it somewhat farther.

D'Aguesseau, in a panegyric of unrivalled beauty, upon this body of jurisprudence, as it was then studied and practised in France, uses the following language:

"These rules, it is true, have almost all of them their foundation in natural law ; but who, by a single effort of sublime speculation, could go up to the origin of so many streams that are now so far removed from their fountain ? Who could descend from that fountain, as if by degrees, and follow step by step the almost infinite divisions of all the branches that flow from it, to become, as it were, the inventor and creator of a system of law ?

"Such efforts transcend the ordinary limits of human exertion. But, fortunately, other men have made them for us ; a single book which science opens at once to the judge, developes to him, without any difficulty, the first principles and the remotest consequences of the law of nature.

"The work of that people, whom heaven seems to have formed to govern men, every thing in it breathes that high wisdom, that deep sense, and, to sum up all in one word, the gift of that spirit of legislation which was the peculiar and distinguishing characteristic of the masters of the world. As if the mighty destinies of Rome were not yet fulfilled, she reigns throughout the whole earth, by her reason, after having ceased to reign by her authority. It might, indeed, be affirmed, that justice has fully developed her mysteries only to the Roman lawyer. Legislators rather than jurisconsults, mere individuals in the shades of private life, have had the merit, by the superiority of their intelligence, to give laws to all posterity. Laws of a jurisdiction not less extensive than durable, all nations, even now, refer to them, as to an oracle, and receive from them responses of eternal truth. It is, for them, but small praise, to have interpreted the XII. Tables, or the Edict of the Prætor, they are the surest interpreters, even of *our* laws ; they lend, so to express it, their wisdom to our usages, their reason to our customs, and, by the principles

which they furnish us, they serve us as a guide, even when we walk in ways which were unknown to them." (XIII. Mercuriale.)

We have before us a striking example of the truth thus eloquently expressed, and it is with unaffected pleasure, that we turn from the virtuous and learned D'Aguesseau, to do homage to one who has done honor to his country. Mr. Justice Story has, in a series of valuable publications, not only enriched the library, but enlarged the horizon of the American lawyer. He has most fully verified by his success, an opinion we have long cherished, as to the superiority of the civilians and those nurtured in their conversation, as elementary writers, over the lawyers trained for practice in England. It is with surprise we find a different opinion expressed by Mr. Cooper.* It will not be denied that some English text writers, and indeed, most of them, discover a thorough acquaintance with the subjects they treat, considered as mere matters of business—that they carefully collect all the decided cases, and critically distinguish the circumstances that ought to affect their authority as law, or their effect as precedents in point—nor have we any doubt at all, but that so far as these cases go, those compilers are as safe guides as can be followed by counsellors or their clients.† But there arise sometimes—and it is generally in things touching the highest interests, public or private, and most calculated to excite the minds of men, that there do arise—questions in which the file affords no precedent, and the judge is compelled to make one by the help of analogy, and by reasoning from principles. Now, it is in such cases that an English text book hardly ever affords the least assistance to an enquirer. They never think of the *elegantia juris* of Gaius, of a scientific distribution of their subject, of genus or species, class or category; the principle of a rule is seldom stated as a theorem, and when a new case calls for its application, the most trifling difference in accidental circumstances gives rise to embarrassing doubt. In short, there is a total absence of all philosophical analysis, and systematic exposition. Fearne's book is generally considered as one of the most lucid and satisfactory treatises in the library of an English lawyer—yet look at the summing up of his prolix discussion of the rule in Shelley's case—what does he at last make the foundation of that most startling, and yet best settled of all the canons of English succession—to the Jews a stumbling block, and to the Greeks foolishness? Does he agree with Mr. Justice Blackstone in his "celebrated" argument in Perrin and Blake, which Lord Thurlow thought proved nothing but Blackstone's ignorance of

* Lettres sur la Chancellerie d'Angleterre.
† See the remarkable case mentioned. Ibid.

the whole subject? Does he agree with Lord Thurlow himself? or does he subscribe to Mr. Hargrave's rather obscure opinion? Is it a rule of feudal descent, or is it merely a canon of interpretation? So, as to a remainder itself, where has he shown why the law so inexorably required the vesting of a remainder, at the death of the tenant for life, &c. &c. We might push this much farther—but *his non erat locus*—we forbear.

There can not be, in our judgment, a greater contrast than that which exists between such treatises, and those of Pothier. What Cicero says, in an often quoted passage, of the superiority of Servius Sulpicius to all his predecessors, in his exposition of the doctrines of the Civil Law, is precisely applicable here. But any one who wants an exemplification of our ideas upon the subject, has only to compare Maddock's Chancery with Mr. Justice Story's excellent Commentaries on Equity, the best text book, by far, ever yet published on that subject.

But it is not only in scientific method and arrangement, that the civilians, of the last two centuries especially, excel as elementary writers. They have drawn their materials from a longer and infinitely more diversified experience, than the English lawyers. The insular position of England, and the peculiarity of her institutions, have hitherto separated her, as it were, from the family of nations, and shut her out from the *disputatio fori* (if we may borrow a phrase from the civilians) of modern international jurisprudence. She has been literally a law to herself—

Penitus toto divisos orbe Britannos.*

So much the better, undoubtedly, for her own admirable public law—but this circumstance accounts for chasms in her legal system, such as that which Mr. Justice Story has just filled up by his excellent book at the head of this article. Is it not passing strange—or rather would it not be so, but for the circumstance just alluded to, of her isolated position, political and physical—that it has been reserved for an American jurist, at this time of day, to discuss for the first time in the vernacular, in a manner worthy of such a subject, the principles which govern nations in so important and delicate a matter, as a conflict of laws? In his able and ample exposition of the subject, the help which he has derived from Westminister Hall has been comparatively little; the Ecclesiastical and Scotch courts have contributed more—but, after all, his principal reliance has been upon the civilians, not forgetting some admirable discussions

* What light is to be derived from English books on such subjects as are treated of by Struvius Corp. Jur., Germanici? Take the case of two states, separated by a river; where are their relative rights in the use of it, discussed by English lawyers?

from the courts of Louisiana*—and both this work and the previous one upon Bailments are fruits of his intercourse with them, and most conclusive evidence that they are not "forgotten teachers of a science that is likely" either soon or late, "to be forgotten."

But Mr. Hallam seems to imagine that these fountains of ever living waters will be abandoned, because men have in these later times hewn out to themselves broken cisterns that will hold no water. "The *new* legal systems, (we quote another sentence from the same paragraph,) which the moral and political revolutions of the age have produced, and are likely to diffuse, will leave little influence" to them. That is to say, the French Code, and other systems formed or projected in imitation of it, are to supersede for ever the *Corpus Juris Civilis*. It is really melancholy to hear a man of so much ability and information, uttering an error as vulgar as any recorded by Tom Browne. It certainly is not our present purpose to discuss, at large, the exploded folly of Codification: it will be time enough to attack when any body shall be found to defend it, under any other circumstances than those, which rendered such, or indeed any means of producing unity of legislation and judicature in France, desirable. But, even in France, no body imagined before the formation of the code, and certainly no body pretends since, that the collecting of a few principles, in such an abridgment, is to dispense with the most profound, comprehensive, diversified, and universally applicable body of juridical reason and natural equity, that the world has ever known. None that have looked into the "*Discours et Exposé dés motifs*" of Bonaparte's commissioners need be told that they are rivals of Justinian, at least in one qualification of a professed reformer, unbounded self-complacency, and that, like Tribonian and his associates, they glorify their master and themselves without scruple, and without stint. They represent all France, from the banks of the Rhine and the Meuse to those of the Var and the Rhone, as in an ecstacy of wonder at the work of sagacity and patience,† which their pregnant wits were bringing forth—a *patience*, be it remembered by the way, displayed in preparing their *projet* within four months, and a *sagacity* which determined them to use the labors of others instead of their own, in doing so. Yet even these luminaries of this privileged age admit that their code is, at best, but a germ, round which a body of unwritten law is yet to be formed by practice, usage, and interpretation. As to dispensing with the study of the Civil Law, they earnestly deprecate the very idea of it, and no where not even in the passage quoted just now from D'Agues-

* The case of Saul and his creditors is one of the best reasoned we ever met with.

† See the tumid vauntings of the *tribune* Duveyrier, 18 Pluviose, sur le projet de loi titre X. relatif. au contrat de marriage, Tome III.

seau, is there to be found a more studied and ample panegyric upon its wisdom and equity, than fell from the lips of more than one of them. "In this projet, (says the orator of the *Tribunat* Garry, referring to the Title *de l'usufruit, de l'usage et de l'habitation,*) as in all those which will be successively presented for your approbation, you will remark with satisfaction the religious care with which all those who have been concerned in the *reduction* of the code, have consulted the legislation of that people, who, after having subjugated the whole earth by force of arms, govern it still by the superiority and profoundness of their reason. I shall be permitted, here, to advert to an error disseminated already by ignorance, and which nothing but indolence could accredit, namely, that it will be hereafter sufficient for those who are destined to the study of the law, to know the *Code Civil.* We cannot too often repeat that, after the example of our greatest magistrates, and our most celebrated jurisconsults, they must study the law in its purest source, the Roman laws. It is only by profound and incessant meditation upon that immortal monument of wisdom and equity, that *they* can be formed who aspire to the honorable occupation of enlightening their fellow citizens upon their interests, or of pronouncing judgment upon their controversies."* Another, (and he is one of the most distinguished of the counsellors of state,) M. Bigot-Preameneu, when he comes to the Corps Legislatif, (*Legislature*, hardly describes such an assembly,) with Title II. B. III. of the Code, "on the various modes of acquiring property, and on contracts, and conventional obligations in general," dwells still more at large upon the merits of that vast body of doctrine, as he expresses it, which will render the legislation of Rome immortal. To have foreseen, he continues, by far the greatest number of those covenants and agreements, to which the condition of man in society gives rise; to have weighed all the grounds of decision, between interests the most opposite and the most complicated; to have dispersed most of the clouds in which equity is too often found involved; to have gathered in one collection all that is most sublime and most holy in morals and philosophy; such are the results achieved in that immense and precious depository, which will never cease to deserve the respect of mankind, which will contribute to the civilization of the whole globe, and which all cultivated nations rejoice to acknowledge as *written reason.* After adding that all further progress in legislation, except what may be implied in a better order and method, seems out of the question, and after some just remarks upon the defects of the Justinian Collection, in this respect, which are of course corrected in the projet presented by him, he proceeds to add, emphatically, that it is no part of their purpose, in digesting, according

* Discours, &c. T. III. p. 93.

to a more lucid arrangement, the principles involved in the *title*, to supersede the study of the Roman law on the subject of contracts. It will no longer, he observes, have in France the authority of municipal legislation; but it will exercise the commanding influence which reason confers in all nations. "Reason is their common law."* The provisions of the code, in relation to contracts, would be very much misunderstood if they were regarded in any other light than as elementary rules of equity, of which all the ramifications are to be found in the Roman laws. It is *there* that the full development of the science of the just and the unjust is to be sought: from that source *they* must draw who would wish to make any progress in the French code, or who shall be charged with the preservation and the execution of the laws deposited in it.

Such acknowledgments as these, frankly made by the authors of this extravagantly vaunted collection, ought, one should think, to have obviated, not merely such an error—scarcely excusable in any point of view—as that pointed out in Mr. Hallam's work, but many other opinions in regard to that code, and to the virtues of written, or more properly, positive law in general, just as false, but far more mischievous and troublesome to society. They saw the great fundamental truth thus expressly enunciated by one of them. "*Les codes des peuples se font avec le temps; mais proprement on ne les fait pas.*" Subsequent experience has fully justified these anticipations. Mr. Cooper mentions, in his *Lettres sur la chancellerie D'Angleterre*,† that the *Bulletin des Lois*, which is just as necessary to the French public as the five codes themselves, and which, at the time he wrote, comprehended the legislation of only thirty-five years, already contained more than a hundred volumes; while the *Recueil de Cassation*—that is the collection of the decrees of the *Cour de Cassation* up to 1826—was just twenty-six goodly tomes. The same writer has furnished, from a bookseller's advertisement, in the titles of two new works, a curious proof, how impossible it is for a great nation, even after passing through a revolution more unsparingly subversive than any recorded in history, and legislating literally upon the ruins of the past, to get rid of its previous laws.‡ But an observation from the same source, still more to our immediate purpose, is, that no one can read the *avertissement* of the 11th volume of the works of M. Dupin, without at once perceiving how necessary and profitable it is, after having looked into any article in the codes, to turn to what Pothier has

* Even this aphorism is borrowed from the Civilians, who teach *ratio naturalis lex quædam tacita.*

† P. 128 (ed. of Brussels.)

‡ P. 155. Recueil géneral des Ordonnances, Edits, Déclarations, Lettres-Patentes, Arrets du Conseil, Arrets de reglements, &c., qui ne sont pas abrogés, &c. &c.

written upon the same subject. The truth of this assertion is established, and the reason explained, by a fact stated by this very M. Dupin, a witness above all exception. "The works of Pothier," saye he, "have not been received by us as laws, but they have obtained a similar honor; for more than *three fourths of the Code Civil are literally extracted from his treatises.* The truth is the *rédacteurs* of that Code, convinced that they could not possibly imagine an order more perfect than that which Pothier had adopted for his various treatises, and that they could no where else find sounder principles, or more equitable decisions, had the praiseworthy good sense, to confine themselves to an analysis of his works."* What a commentary is this upon the boasted "sagacity and patience" of those *rédacteurs!* It only remains for us, in order to complete the view which we have endeavored to present, of the influence of Roman legislation, to mention that Pothier—worthy, as we admit him to be, of all honor and reverence—is but a commentator upon the doctrines gathered by Justinian into his heterogeneous collection, and that the great bulk of these doctrines is to be found in the Pandects, of which one third is made up of literal extracts from Ulpian, one sixth from Paulus,† and the remainder from other celebrated jurisconsults from Scevola to Modestinus. It is thus demonstrated that the science which they taught, is likely to pass away when Euclid's elements shall be forgotten, but not *till* then.

If the hero of Marengo and Austerlitz, who shivered to pieces the throne of the German Cæsars, and blotted out for ever the name of the Roman Empire, consoled himself, in that last exile, with the assurance that his work of peace, the Code, was indentified with the constitution of society, and would live when his victories should be no more than those of Timour or Alexander—what honor shall we not ascribe to those who were *really* the authors of that work, and the trophies of whose wisdom are thus preferred before all the glory of the earth.

And why should they not be preferred to the perishable grandeur which they have survived?

Strange, but striking, and impressive destiny! This body of morality and reason, rescued from beneath the ruins of the first Roman Empire, of whose civilization it was the proudest monument, and whose majestic image is impressed upon its whole face, was used as a most powerful instrument to build up the second; and the treaty of Luneville had scarcely sealed the fate of that second, when the founder of a domination, more haughty than either, adopted it as the basis of a new order of things. But

* Dissertation sur la vie et les ouvrages de Pothier, par M. Dupin (apud Cooper, Lettres, &c).

† Hugo L. B. eines C. C. B. I. S. 116.

a few years—scarcely more than a generation of men—are passed away, and behold! that throne, too, is mouldering, with the others, in the dust, while a combination of favorable circumstances has given a renovated youth, and seems to insure an uncontested dominion to the immortal spirit of the Roman Law!

We have said that the Civil Law was made use of to build up the Holy Roman Empire, and in appreciating and accounting for its influence over modern society, that circumstance must not be overlooked. About fifty years after the revival of the study of it under Irnerius, it attracted the attention of the Emperor Frederic Barbarossa, whose penetration it could not escape, how profound a respect for its authority was entertained in the Italian cities, and to what profitable account it might be turned in extending the prerogatives of the crown. On a second visit to Italy, (in 1158,) he surrounded himself with professors of law, conferred upon their school the privileges of a University, and had their co-operation at Roncaglia in multiplying his *regalia*, and clothing him as far as possible in the sovereignty conferred by the real or imaginary *Lex Regia*—a new pretension in feudal Europe. From this epoch, the Emperor began to be familiarly spoken of among the doctors of Italy, as the successor of the Cæsars, and the Civil Law to be regarded as an Imperial Common Law, binding upon all Christendom, because unity of faith and allegiance, under one head, was supposed to be exacted by the Divine Founder.* But it was long before the slavish maxims of the Byzantine Court could make their way into the tribunals of Germany. At length, however, as the progress of civilization called for a better legislation, the superiority of the Civil Law in all that relates to *meum* and *tuum*, began to be more and more felt. It was favored by the example of Charles IV., by the influence of the numerous universities founded between the middle of the fourteenth and the beginning of the sixteenth century, and by the establishment of the Imperial Chamber; so that under the reign of Maximilian I. it was fairly installed, within limits or on conditions, as it appears, not very perfectly defined, as a part of the common law of Germany.† In France the *pays de droit écrit* extended from the Mediterranean to the Loire, and in all the other kingdoms of Europe, the legislation of Rome "commanded the respect or obedience of independent nations." This part of the subject, however, we must reserve for a future occasion. But its influence, in another sphere, was too commanding and universal to be omitted here. The compilations of the Canon Law, which began to be made as early as the middle of the twelfth century, gave it more form and consistency, and the authority of the church, and the jurisdiction of the ecclesiastical

* Eichhorn Deutsche Staats and Rechts-Geschichte. II. Th. § 269.
† Id. III. Th. § 440.

courts, co-operated in extending and perpetuating the dominion of Paullus and Papinian, of Ulpian and Gaius over the human mind.

But whatever the authority of the Empire or the Church may have done to facilitate the diffusion of the Civil Law in modern Europe, we have said enough to show that the day must, at all events, have come, when its intrinsic excellencies would have recommended it to the respect and the acceptance of mankind. Its connection with those institutions was essentially transitory—her light dwelt in *them*, only until the social condition of Europe should be fully prepared, to receive it in a proper form and in its true brightness and purity,—

> Sphered in a radiant cloud, for yet the sun
> Was not, she in a cloudy tabernacle
> Sojourned the while.

An old chronicler, quoted by Eichhorn, asks and answers the question, why the whole earth should be subjected to the laws of a single city.* He ascribes to the necessity of maintaining the unity of faith, what we explain by more profane reasons: but whatever solution be given of that problem, there is another question naturally suggested by the facts brought to the view of our readers, in the preceding pages, which we beg leave ourselves to propose and to answer: Was there any thing in the original character of the Roman law, that fitted it to become thus universally applicable, or by what causes, and through what process, was it ultimately rendered so?

It is laid down as a fundamental maxim, by Montesquieu,† that laws ought to be so peculiarly adapted to the people for whom they are made, that there is but a remote chance of their being found suitable for any other.

This, like so many other of that brilliant writer's best thoughts, can be received only with qualifications and distinctions. So far as it goes to preclude all merely arbitrary legislation à la Joseph II.—all those theories, so much in vogue, and so prolific of disorder in the latter half of the eighteenth century, of systems of universal public law, and of the power of the lawgiver to cut out society, as if it were made of parchment or paper, into whatever shape he might judge most eligible, and to make it in that shape a living, moving, and an effective thing—the experience of Europe, for the last sixty years, has abundantly confirmed his opinion.‡ Undoubtedly if there be any thing very peculiar in

* Otto Frising. Chron. lib. 3. Hoc jam solvendum puto, quare *unius urbis* imperio totum orbem subjici, *unius urbis legibus*, &c. Scilicet, ut his modis unitas commendaretur fidei.

† Esprit des Lois, l. i. c. 3.

‡ See the excellent remarks of Eichhorn D. S. u. R. G. 4. Th. p. 708, and seqq especially as to the failure of the legislation of the eighteenth century in Prussia and Austria.

the condition, the character, or the opinions of a people, its law, both public and private, must conform to it, on pain of being otherwise wholly inoperative; and this is the reason why, as we have seen, the authors of the French Code, themselves, think, and think justly, that by far the greater part of every system must grow up gradually in the shape of common or customary law. In this point of view we heartily concur with Montesquieu; but we have seen, in the case of the Civil Law, that infinitely the largest and most important portion of it—that relating to *meum* and *tuum*—is suitable, not only to other countries, but to all other countries—that it is as applicable at Boston as at Paris, and has served equally to guide the legislation of Napoleon, and to enlighten the judgment of Story. This is a *fact* not to be disputed, but accounted for—a fact which will excite our curiosity the more, when we come to look at the use which Lord Mansfield made of the science of the Civilians, in his own masterly administration of justice, and to discover, as Mr. Evans has shown, that he often applies not only their doctrines, but their very words, to the action for money had and received. This example is the most striking that can possibly be imagined—for certainly if there ever were two bodies of jurisprudence apparently irreconcilable with one another, they were the old common law of Plowden and Coke, and the *Jus Civile* of Rome in earlier times.

We have thus answered the question we propounded just now, as to the original character of the Roman law. It was as far as possible from being the "written reason" it afterwards became; but to explain how it underwent so entire a revolution, is to write *its history*, and we purpose devoting the remainder of this paper to some remarks on its origin and progress down to the time of Justinian.

We will premise, however, that in what we had occasion to say in characterizing the Institutes of Gaius, we anticipated, in a few words, the results of our present inquiry. Considering that book as the mirror of the old Roman law in its highest state of perfection, after six centuries (for so many were elapsed since the Decemvirs had promulgated their tables) of experience and cultivation, we contrasted it with the form it had assumed in the hands of Tribonian. You see at a glance, that in the interval of nearly four hundred years, between the reign of M. Aurelius and that of Justinian, some mighty revolution has occurred in the opinions of mankind, for laws are the shadow of opinions. This contrast becomes, of course, still more violent, if, laying down Gaius, you take up what remains of the Twelve Tables, and the literature that illustrates it—but of that by and by. And there *had* occurred in that interval a mighty revolution,—the mightiest of all moral revolutions. Constantine had ascended the throne,

and had established Christianity in the Empire. The law, which his despotism enforced, became, under him and his successors, more and more impressed with the spirit of the gospel. He had built himself a Christian capital undefiled, and abandoned, as he thought, the seven-hilled city—the seat of pagan superstition—to her old gods, with their pontiffs, their flamens, and their soothsayers—though, in truth, we may just remark, *en passant*, that, by thus preparing the independence of the popes, and facilitating and almost inviting the establishment of the Teutonic races in the west, he was signally contributing to hasten the formation of the christendom of modern times, of which he was, at the same time, erecting on the Bosphorus the most effectual bulwark against the approaching invasions of Islam.* From his accession, Christianity became the *jus gentium* of Europe, or the basis of its *jus gentium*, according to the definition of the civilians themselves. In the copiousness and scientific completeness of their vocabulary, they distinguished, as we have seen, in the code of every nation, what was peculiar to itself, from those principles that prevailed in the jurisprudence of the rest of the civilized world. They called the former *jus civile*, they designated the latter as *jus gentium*, which they considered as in all cases synonomous with reason and natural law.† In a rude state of society, the *jus civile* covers, so to express it, nearly the whole orb of legislation; and the maxim just cited from Montesquieu is applicable to it, in all its rigor. It is local and exclusive. But, in the progress of civilization, the other element—natural law, or the principles of general equity and reason—gradually occupies and illumines a larger and larger surface, until at length the differences which separate the legal system of foreign states, almost wholly disappear. It is impossible not to perceive this tendency in the actual condition of Christendom. The spirit of a religion, which we consider as the source of the highest and most refined civilization, and as a bond of union among modern na-

* We do not know that these effects of the division of the empire have been even yet fully developed. To let in the German race was quite as desirable in that condition of the world, as to keep out the Saracen or the Turk.

† The *jus naturale* of the Institutes is a third ingredient of every law. It respects *man*, not as a reasonable being but as a mere *animal*. It is *quod natura omnia animalia docuit*. In this sense, *jus naturale* is sometimes opposed to *jus gentium*. Thus, for instance, it is said, *bella enim orta sunt, et capitivitates secutæ et servitutes, quæ sunt juri naturali contraria*. Hugo has well explained this to apply to the nature of man considered only as an animal, *not* to man as a reasonable creature and member of society.—*Lehr-Buch des Natur-Rechts, &c.*, 189. For in reference to the rights and liabilities of men living in society, *jus naturæ* and *jus gentium* are uniformly considered as synonymous. As, for instance, Instit. II. 1, § 11: *dominium nanciscimar jure naturali, quod sicut diximus, appellatur jus gentium*. Ib. § 41: *jure gentium, id est, jure naturali*. So Cicero, de Offic. III, 5: *neque vero hoc solum natura, id est, jure gentium, sed etiam legibus populorum, &c.* It is important to bear the above distinction in mind, or we shall ascribe to the civilians opinions as to war and slavery which they certainly did not entertain. They never question the moral rectitude of either.

tions—which, never interfering directly with the policy of any government, never fails in the long run to influence that of all—of a religion essentially catholic and comprehensive, breathing mercy, justice, equality, fraternity among men—unfavorable to all partial advantages, all exclusive privilege, all marked nationality,—clearly manifests itself in the advances of modern legislation, just as it did in that of Constantine and his successors, especially in that of Justinian. Democracy, in the high and only true sense of that much abused word, is the destiny of nations, because it is the spirit of Christianity. It is written in the French code, in the article which denies to the father all power of disposing, by testament, of more than a child's portion. It is seen in the whole body of our legislation; but in nothing more than in our returning to the simplicity of the civil law, by abolishing all distinction between land and personal property, and distributing them indiscriminately among the next of kin. The 118th novel of Justinian is substantially our law of successions, as it is that of France. It effaced the inequalities of the old Roman law; it has effaced, in the same way, those of feudal Europe: no primogeniture, no preference of one sex to the other, no distinction between *agnati* and *cognati*, none between goods moveable and and goods immoveable.*

To show that what we have done in this country is not accidental, it is not necessary to seek authority for it in the codes of antiquity, or in those of foreign countries: there is a still more striking, and, as it were, domestic proof, that we have only developed the germs, and given scope to the tendencies of our own race. There are few subjects of more curious and instructive speculation, than a comparison of the reforms projected under the Commonwealth of England, with those accomplished, without an effort by its *scions* in a new world. Almost all that we have done to simplify and equalize, was shadowed forth to the eyes of Whitelocke and Cromwell. The same principles will one day produce the same effects in England, and, deposited in the French codes, they are not confined, on the continent, within the territories of France. They have taken root else where, and *çaira.*

When we speak of the influence of Christianity upon the civil law, and especially of its having had much to do with adapting it to serve, as it does, for the *jus gentium* of modern nations, we would not by any means be understood as excluding or underrating the co-operation of other causes to the same end. We have said that it had been long approximating by degrees to that consummation; in the lapse of a thousand years from the Decemvirs to Justinian, experience and science had brought forth

* Montesquieu, l'Esprit des Loix, l. 26, c. 6, referring to these changes, seems too much disposed to sacrifice the *jus gentium* to the *jus civile.*

their fruits. Thus, for instance, the Edict of the Prætor, which, like the English chancery, built up, in a long lapse of time, a vast body of equitable jurisprudence commented by Ulpian, in the great work so freely used in the Pandects, gave a *bonorum possessio* to the next of kin, on principles almost identical with those of the 118th novel. The same observation applies to many other branches of the law: but still much was left to be done, and much was done by Justinian, and generally by the Christian emperors, which may be distinctly traced up to the influence of their religious opinions—the *religio temporum meorum**—the *castitas temporum*,† familiarly referred to in the legislation of Tribonian. One has only to glance over the constitution of those emperors, to be convinced of this.‡ To say nothing of those which fall under the head of ecclesiastical law, such as those touching legacies to pious uses, the observance of Sunday as a festival of the church, and the functions, rights, and conduct of the clergy, we find Constantine prohibiting the atrocious exhibitions of the amphitheatre, and the selling of children, except in cases of extreme want, and that in earliest infancy—a horrid exception made in deference to the "hardness of their hearts," and the inveterate usage of the heathen world—infanticide—and superseded by subsequent provision for the support of both offspring and parents. We see the spirit of Christianity gradually taking possession of the seat of the family affections, blessing home with holy charities, mitigating the despotism of the father, consecrating and protecting infancy by baptism, and crowning all with the perfect emancipation of woman. In short, the boast of Eusebius, that Constantine aimed at giving sanctity to the laws, may be safely made for his successors in general, and Heineccius adds, after other writers, to sanctity, *simplicity*—thus freeing jurisprudence from the intricacy of forms and the snare of a mere technical chicanery.§

Such was the end of the civil law—let us now turn for a moment to its beginning.

The history of the law, properly considered, is the most important part of the annals of every country. We mean not the law as it is written, but the law as it is applied and executed—not the letter, but the spirit—not the statute, but the interpretation—not the pompous and hollow bill of rights, but the daily practice of the courts in regard to such things as *habeas corpus*, trial by jury, and the liberty of speech and of the press. The law, in this only practical sense of the word, reveals the inward life and true character of a people. It *is* that very life and char-

* Cod: VII. 24, De Scto Claudiano tollendo.

† Institut. I. 22.

‡ The whole Theodosian code bears witness to this. It is a collection of the constitutions of Christian Emperors.

§ Hist. Juris. § CCCLXXIII.

acter, and a deputy sheriff may know more about them than a De Lolme or a Montesquieu. It is true that the history of the law, in this way of considering it, has very seldom been written; and that of the civil law, especially, as Eichhorn affirms, until the last ten years of the last century, least of all. A dry series of enactments, outlines of mere positive legislation, were recorded in chronological order, and some book of antiquities used as a succedaneum to fill up the skeleton or solve the riddles it presented. And yet the history of Roman legislation is the most interesting of all such histories, not only because it regards the most perfect and the most influential of all systems of law, but because that system is incontestably *the* great intellectual monument of the conquerors of the world. Roman literature, properly so called, is, in comparison of Greek or our own English, absolutely mean. The very language, except in the matter of politics and law, where it is richer even than the Greek,* is the poorest of all—without flexibility, variety, or copiousness. It is, indeed, impressed with the *majesty* which belongs to dominion and superiority long established and directed by a grave wisdom, and the love of order and civilization. So far, we assent to what Count Joseph de Maistre has said of it,† and we acknowledge its fitness to be the language of the Church and the State, of archives and monuments. It is, too, in *possession*—it is, emphatically, as he calls it, *le signe Européen*—the language which medals, coins, trophies, tombs, primitive annals, laws, canons, which every thing in short, dear and venerable to the modern man, speaks, and a familiar knowledge of which is quite *indispensable* to many other kinds of knowledge, that of the civil law, for example. But in every department except that of legislation, and (if they be worth adding) agriculture and satiric poetry, Roman genius was stamped with a marked inferiority; it was tame, servile, and imitative, even to plagiarism—no depth, no pathos, no originality—nothing national, spontaneous, and awakening. The *numerisque fertur Lege solutis*, is not for it—it walks forever as in the bonds of the law, and under the yoke of discipline. Their historians we consider as falling properly within our exception. Tacitus, a leading advocate, certainly does—so does Sallust, as his proemes show—even Livy, their great epic poet, (history is their true and only Epopee,) with his native, kindling unaffected eloquence, and his matchless gift of picturesque description, is thoroughly Roman, formed, as it were, in the Forum and the Campus Martius, and glorying in the Republic as a

* For *populus* and *plebs*, the Greek has only δημος; for *lex* and *jus*, only νομος, &c.

† Du Pape, v. 1. 199. Let any one who doubts our general proposition only read Cicero's philosophical works.

government of laws, not men.* But in art and poetry, strictly so called—we do not speak of mere elegance or urbanity, wit or delicacy of sentiment—they have nothing to match with the mighty minds of other times—no Dante, no Milton, no Shakspeare, no Homer, no Pindar, no Plato, no Sophocles. None felt this truth more sensibly than the most exquisite of critics as of writers, Horace. Perhaps Lucretius and Catullus ought to be excepted, but we fully subscribe to Niebuhr's equally just and original estimate of the genius of Virgil, to whose learning, however, he does homage, and whose great poem is one of his authorities for the antiquities of Italy.† But in law and government, no less than in arms, the Romans were, as we have seen, the mighty masters of the art and of mankind. Cicero declares, that the contrast between their legislation and that of every other people, made the latter appear positively ridiculous ;‡ and if he could say so at so early a period, when his contemporary Servius Sulpitius had, for the first time, given something like a philosophic cast to jurisprudence, what pomp of eulogy would he have thought too labored for the perfect science of Paullus and Ulpian? He that wishes to know what Roman genius was, must study the *Corpus Juris Civilis*, and the remains of the great jurisconsults, with Cicero (our best guide here) and the historians: he that wishes to know what it was not, may take the whole body of literature besides, beginning with Plautus, and ending with Pliny the younger. He will see all the wisdom if not the poetry of Virgil, in the fine lines so often quoted, closing with,

Tu regere imperio populos, Romane, memento.

If the laws of Rome were not the spontaneous growth of her own peculiar civilization, if they were not the unaided work of her own wisdom, then never was seed sown in a more congenial soil, or a loan paid with such usurious interest. But they unquestionably were so. Her philosophy and eloquence were formed by Greek sophists and pedagogues, as is evident from their character and physiognomy; her legislation, both in its origin and in its perfection, was all her own.

In the volume at the head of this article, Hugo, in tracing the history of that legislation from the earliest times to the reign of Justinian, divides the intervening space of thirteen centuries into four nearly equal periods. The first extends from the building of the city, to the laws of the XII Tables, A. U. C. 303.

*Legum potius quam hominum imperium. l. ii. 1.

† R. G., v. i., pp. 207. 529. 580.

‡ He confines his panegyric principally to the XII Tables, De Orator, I. 44. a well known passage, Fremant omnes licet, &c. Including Solon's, Incredibile est quam sit omne jus civile, præter hoc nostrum, inconditum ac pene ridiculum.

From this epoch until the year of the city 650, is the second. The third, brings us down to the reign of Severus Alexander—A. U. C. 1000—and the last closes all with the legislation of Justinian, A. U. C. 1300. It is scarcely fanciful to liken them to the four analogous periods of human life, and to call them the infancy, the youth, the manhood, and the old age of the Roman Law. The history of each of these periods is considered in three different aspects. Two of them, the original sources or acts of legislation, (Quellen,) and the development given to them in treatises, etc., (Bearbeitung,) constitute its *external* history. The third is the state of the law itself, with its maxims, principles, and spirit, at the close of each period; and this is its *internal* history. The order pursued is that of the Institutes of Justinian, borrowed from those of Gaius, beginning with *Persons*, then proceeding to *Things*, and concluding with *Obligations and Actions*. We can easily imagine that a course of lectures, *fully* developing all the matters treated of here, would leave very little to be desiderated by a student of the Roman Law; but the reader of this *Lehr-buch*, if he wishes to understand the true spirit of that legislation, must come prepared with the knowledge of what Niebuhr, Creuzer, and others, have done, to illustrate the antiquities of Rome.

We shall address our observations, in the first place, to the legislation of the first five centuries of the city, including the first and a considerable portion of the second of the periods above mentioned.

But it will be necessary to premise a few words concerning the source of all that legislation, the primitive constitution of Rome.

That constitution, like those of the other two great branches of the Indo-Germanic race—the Teutonic and the Greek—was founded on the sovereignty of the tribe, or the nation, with this difference, that in Italy the principle of a hereditary chief seems to have been unknown. He was elected for life, by a community made up of a confederacy of clans* or *gentes*, and united, as in the old patriarchal state, the functions of judge, general, and pontiff. His title was king; but his power, which was in theory excessively limited, varied with the measure of his abilities or popularity. Thus, the elder Tarquin contrived (as may happen in the best regulated commonwealths) to secure the election of a creature of his own to succeed him; and the second made himself, by means familiar to the history of usurpation, a downright *tyrannus*, according to the most approved models of ancient Greece or modern Italy. The king was surrounded—as in all

* We use the word *clans* for want of a better. Gibbon translates *gens* "lineage;" but that word suggests no precise idea of corporate unity. *Gens* was a collection of *families*.

the other states of those early times—with a council of chieftains, called a senate, originally no doubt the heads of the clans or *gentes*, who received this, with other badges of a conceded superiority, according to the established usages, and from the common consent of the clan. Originally, the Roman people consisted of but one tribe—the Ramnenses. By the treaty with the Sabines, under Tatius, they admitted another—the Titenses—and these two constituted the *majores gentes*. Subsequent events, probably some war, made the addition of a third necessary—the Luceres—but this, until the time of the XII Tables, was considered as inferior to the other two, denied certain privileges, and called the *minores gentes*. These three tribes, thus united, composed the whole people, (populus,) which was divided into thirty curiæ, ten to each tribe, and these curiæ again were subdivided each into a hundred *gentes*, clans, or lineages, comprehending under them families more or less numerous, subject to the authority of their several *patres familias*—not fathers simply, but fathers emancipated from the power of their own. The king, when at the head of his army in the field, had an absolute command; the authority of a senate of three hundred chiefs of *gentes* or clans, was of course, very great, in a patriarchal state of society; but the sovereign legislative as well as judicial power, in the last resort, resided in the general assembly of the *Curiæ* or wards, called the *comitia curiata*, to which none could be admitted but as a member of a *gens* or *lineage*. By continual wars, however, the Romans, according to their original and constant policy, made great accessions to their population, there formed itself, it is believed, under Ancus Martius, a distinct community, excluded of course from the privileges of the *gentes*, and standing towards them in precisely the same relation as the *nobles of terra-firma*, under the constitution of Venice, to the patricians of the city. This community constituted the *plebs*—whom we do not call *plebeians*, because the present acceptation of that word suggests false ideas of the composition of the Roman commons, shut out by this *Serratura del consiglio*. They were, many of them, rich and noble—all of them a robust yeomanry—and not, as has been thought, an ignorant, depraved, and rapacious rabble, led by ambitious and jacobinical adventurers.

In the nature of things, the numbers of the three tribes would, in the lapse of ages, have dwindled into a miserable oligarchy, had it not been for three institutions of very great political importance at Rome. These were, adoptions, the emancipation of slaves, and the relation of patron and client. By the first, a childless parent was enabled to perpetuate his family; and it was the haughty, perhaps the singular boast of the Claudii, that no such mixture had ever contaminated their blood. By the second,

he freedman assumed the name and enjoyed the privileges of he *gens* or lineage of his benefactor; and the third, although eft by Niebuhr still clouded with some obscurity, certainly clothed the chief to whom fealty was due in attributes and secured to him rights, strikingly analogous to those of the feudal ord. Hugo is of opinion that the importance of the second of hose institutions has not even yet been sufficiently appreciated; and we may fairly set down the distinction between the clients of the chiefs of *gentes* and the independent and high-minded *plebs* to whom they were constantly opposed, and by whom they were cordially detested, as one of the discoveries of Niebuhr. That the emancipation of the slave should make him at once a citizen, (especially where the plebeian was excluded,) might strike us as a singular exception from that pride of privilege and that bigotry of race which were the peculiar characteristics of the ancient world. But besides that Rome has always been celebrated for her *comparative* liberality in this respect, there were two considerations that predisposed the patrician master to admit into the bosom of the state, the servant whose conduct in the family had deserved his esteem or his gratitude. The first was that, in those early times, his bondmen were generally of the same race with himself—the Sabine, the Latin, the Tuscan captive—brave men, placed at his mercy by the chances of war, to which he was himself subject, and accustomed to eat at his table and labour by his side in his rural occupations—very different from the dissolute and barbarous rabble who were let loose, in later times, by thousands, upon the city, and whose manumission was restrained, or whose rights as freedmen were limited, by the legislation of Augustus* and Tiberius.† The other, and doubtless the stronger motive, was to preserve the political importance of the *gens* or clan. This motive became every day more active in proportion to the rapid increase of the *plebs*, who were, at the end of two centuries, numerous enough to demand and obtain admittance into the state. This was effected, if we are to believe the traditions, by Servius Tullius; and it was effected by that very measure which has generally been regarded as a clever contrivance to cheat the poorer classes out of their relative influence in society. The truth is, as we have said, that he destroyed the aristocracy as such—or what is the same thing, he changed entirely its principle. The distinction of race and clan was abolished—the *Curiæ*, except for some religious or what we should call ecclesiastical purposes, were superseded. and gradually sank into a sham meeting of thirty lictors—the *plebs* had a voice in the legislature—and wealth, in whatever hands it might be

* By the Lex Ælia Sentia, A. U. C. 757, and the Lex Fusia Caninia, A. U. C. 761, both repealed by Justinian.

† By the Lex Junia Norbana, A. U. C. 772.

found, gave, in the *comitia centuriata*, more weight to its possessor just in the ratio of his contributions to support the state.* Practically, it is true, the change was not a complete revolution. The patricians, now associated with the leaders of the *plebs*, being by far the most opulent part of the community, and having a command of all the means necessary to continue so, maintained their ascendant, with the exception of some rare intervals, to the very last. Sallust declares, in the seventh century, that he selects the Jugurthine War for a subject, because (among other reasons) then, for the *first* time, resistance was made to the insolent domination of the aristocracy;† in spite of the seven elections of Marius, the consulship was considered as defiled by a *novus homo* when Arpinum was again honored in the person of Cicero; and the nobility, patrician and plebeian, entirely engrossed the direction of public affairs, until Cæsar—himself one of the proudest of them—smote them with the edge of his victorious sword at Pharsalia, and prepared for their shattered bands a yet darker day and more irreparable doom at Philippi.

After the expulsion of the Tarquins—as in England, after that of the Stuarts—the aristocracy, who were really the government, became more haughty and exclusive than ever, but, at the same time, more simple in life, more severe in morals, and more stern in discipline. The power of the kings, and the insignia of royalty, descended scarcely diminished, though divided, upon the consuls; and the patricians, as a class, gained as much as their temporary chiefs lost, by this rapid rotation in office. The plebs, now the democracy, was decidedly less favored than it had been under the monarchy, and very naturally inclined to restore it in the person of Sp. Cassius. At length, however, they secured the election of their tribunes by the *comitia tributa*; and it was not long before the resolves of that assembly were declared to be, as much as those of the *comitia centuriata*, the supreme law. In the former, the people met and voted *per capita*, and not in classes arranged according to property: they were convened by a plebeian magistrate, who had the *initiative* and presided over them; and they were not at the mercy of the augur and his birds, for the time or the duration of their meetings. Armed with the veto of their tribunes for defence, and with the vote of their assembly for attack, and constituting an immense majority of the whole nation, it might have been supposed that they would soon have taken undisputed possession of the republic. But, as we have seen, this was very far from being the case.

* Yet the influence which the patricians derived from the votes of their clients in the centuries, is shown by the first Publilian rogation, and explained by Niebuhr. The plebs were husbandmen, attending the comitia only at intervals: the freedmen, &c., were always in town.

† Bellum Jugurthinum, C. 5.

It is beside our present purpose to explain this singular phenomenon, which would be, indeed, to write the history of Rome; but we cannot do justice to our subject, without touching upon two of the causes which most powerfully contributed to maintain, for four centuries together, a mixed government, and to insure to it a more extended dominion and a more permanent influence, over the destinies of the world, than any other people ever exercised.

The first of these causes was the constitution and the authority of the senate, now made up of all the *notabilités*, plebeian* as well as patrician, who had held curule offices. It is generally supposed that this august body had, until the age of Tiberius, no legislative power; but whatever may have been the *theory* of the constitution, it was most certainly otherwise in practice. But, even had its attributes as a legislature, in all ordinary cases,† been less clearly defined, the immense variety and importance of its functions, as the supreme executive council, could not fail to give it a controlling influence over the affairs of the commonwealth, and make it, in effect, the sovereign power. No one can look at the working of our own federal government, or at that of the French monarchy in the hands of Louis Philippe, without perceiving that, if the legislative body have no means of changing the ministry—as the house of commons always has had—in other words, if that body do not to a certain extent participate in the exercise of the executive power, it must and will be controlled by it, and become subordinate to it. Now, the Roman Senate was a permanent and independent ministry, with every thing in its constitution and its composition to clothe it in the most imposing authority, and vested with all the powers best fitted to enslave to its will the ambitious aud leading spirits of the commonwealth. It had power to declare war and conclude peace, to raise armies, to judge of the necessity of proclaiming a dictator, to levy taxes, to take charge of and lease the public lands, to farm out the revenues, to give up to the soldiers or to withhold from them the booty taken by their armies in war. In later times it exercised, though under the nominal control of the people, the superintendence of religion and its ceremonies, the distribution of the governments of the provinces and of the command of armies, the keeping and appropriation of the public moneys. It exercised jurisdiction over all Italy, it had the administration of all foreign affairs, the receiving and sending of ambassadors, the conferring of the title of king upon meritorious allies. It determined the time of holding assemblies of the people, and prepared the business to be discussed and disposed of there. It could grant or refuse the triumph to the victorious

* The majority of the illustrious historical names of the later times of Rome, are of plebeian race, though of noble families—Decii, Domitii, Catos, &c.

†Dionys. l. II. 14, and cf. Hugo, p. 410.

general, and could, by means of the terrible *dent operam—ne quid*, etc., (their suspension of habeas corpus,) clothe the consuls, prætors, and tribunes, with absolute power.* Added to all this, and more by far than any single prerogative, the judicial power was, until the time of the Gracchi, vested exclusively in them. The *selecti judices*, answering to our juries, were drawn from their order. The importance of this union of the executive with the judicial power need not be dwelt upon; but it is worth mentioning that Tacitus expressly declares it to have been the great issue between Marius and Sylla.†

But another source of influence for the patricians, and check upon the power of the democracy, is to be found in the fact that, among a people of all others most governed by their religion, (such as it was,) and by the love of order and law, that class were the hereditary priests and jurists of the Republic, until the fifth century of its history. They were its Ulema, a power behind the throne, greater than the throne itself.

The legislation and history of Rome are altogether unintelligible, without a distinct apprehension of the causes, the extent, and the consequences of this extraordinary influence. Whatever is most characteristic in the old law is intimately connected with it. The very definition of jurisprudence in the beginning of the Institutes bears testimony to its importance.‡ All nations are governed more by manners and opinions than by laws, and the Romans above all other nations. But their manners and opinions were formed and directed by this *caste* of lawyer-priests, an institution quite oriental, transmitted to them through Tuscany, at once by inheritance and by education. The Greek writers of Roman history, without being at all aware of the cause, are unanimous in their views of the fact, and of its incalculable effects upon the whole system of the life, the legislation, and the government of the "People-King." In every part of their annals, from the earliest struggles of the *plebs*, in the freshness and vigor of youthful health and enthusiasm, under their immortal tribunes, down to periods of degeneracy and servitude, the same spirit is every where visible. Religion, law, subordination, or all these names in one, *discipline*, civil and military, at home and abroad—"this was their sorcery." Created to teach the law to all coming time, they regarded it with instinctive awe, approached its oracles as those of their Gods, and yielded to it a devoted, yet magnanimous and enlightened obedience. Hence it was that revolution after revolution occurred; that the assemblies of the Curiæ were superseded by those of the Centuries, and these in turn overshadowed by those of the Tribes; that the veto of a single tribune, clothed himself in no armor but that of

* Schlosser. † Tac. Ann. l. XII, 61.

‡ Jurisprudentia est divinarum et humanarum rerum notitia, &c.

religion,* could bring on universal anarchy by preventing all elections, and leaving every office vacant; that repeated secessions of the plebs to the mountain appropriately called *sacred*, or to the Janiculum, took place; that for centuries together the story of Roman politics, omitting the wars altogether, is, in the hands of Livy, and even of Dionysius, by far the most thrilling and sublime of historical romances, and yet that in the midst of so many elements of disorder and violence, not one drop of blood was shed in civil war, and the glorious commonwealth,

> Rising in clouded majesty, at length
> Apparent Queen, unveiled her peerless light.

When we come to speak of the union of races out of which the Roman people sprang, we shall have a better opportunity of developing the influence of this most striking of all their characteristics; but we may add here a single illustration of it. It is the use made, in their domestic contentions, by the old consuls, of the στρατιωτικος ὁρκος the oath which bound the soldiers to obey the generals, and to follow and defend the eagles of Rome. Cincinnatus opposed it with success, to the veto of the tribune,† and one of the weakest of those adventurers, who disgraced the purple of the Cæsars, could still speak of it, as "the holy and august mystery of the Roman Empire."‡ To attach all the importance that is due to the effect of such ideas, we are to remember that the whole character of the state, and the very organization of the classes and centuries, were purely military.

We proceed, now, to make some remarks upon the legislation more strictly so called, of the same period.

The laws of the XII Tables are recommended to our most profound attention, or rather, as things stand, to our special curiosity, by the exalted, if not extravagant, encomiums passed upon their wisdom and morality, by the very first writers of the best period of Roman literature,—Cicero, Livy, and Tacitus. But they have, in our eyes, an attraction more powerful, if possible, than the respect which they commanded in subsequent times—it is their connection with the preceding. We regard them, as we have already observed, as evidence of what the law was under the government of the kings, and from the very foundation of the city. They were evidently, what Lord Coke pronounces Magna Charta to be, simply declaratory.§ The idea and the tradition, that they were fashioned upon the model of Solon's, are refuted—so far as we now have any means of judging—by the fact that there is no resemblance at all, but, on the

* He was inviolable, *sacrosanctus*.

† Dionysius, X. 18.

‡ Herodian, l. vi. 7, sub fin. ὁς (ὁρκος) ἐστι τῆς Ρωμαιων αρχῆς σεμνον μυστήριον.

§ Montesquieu's views on this whole subject of the Decemviral legislation are excessively unphilosophical and unsound. Esp. des Lois, l. vi. 11.

contrary, almost a perfect opposition between them in all the most characteristic features of legislation—in the "Rights of Persons" as well as the "Rights of Things." Even Dionysius of Halicarnassus, Greek as he is, does not pretend to more than an engrafting of some foreign laws upon the established customs of Rome.* He expressly ascribes too, and we have no doubt at all, ascribes with truth, to Romulus, that is to say, to immemorial usage, some of the most important principles of the law—the *patria potestas*, for example, and the *conventio in manum* of the wife—of both of which he speaks in terms of unqualified admiration. No one can read the second book of his Antiquities without clearly perceiving that, when he records these elements of the domestic life of Rome, he expects to excite in his reader the incredulous surprise which he has himself felt in regard to them. But we do not stand in need of evidence like this. Believing, as we do, that no such thing as a code of laws, arbitrarily adopted for a country, a code, we mean, that has lived through a single generation, or, indeed, has lived at all, is to be found in the (profane) history of mankind—that Locke's constitution for Carolina, and Citizen Sièyes' litter of Constitutions for the "Republic One and Indivisible," are types of them all—we should, *à priori*, venture to reject all such stories as false or exaggerated. The thing has never happened elsewhere—it is not in the nature of man that it should happen anywhere—therefore, it did not happen there. But the argument, strong as it would be in the general, is irresistible in its particular application to Roman manners and legislation. If ever there was a people that adhered to establishments; that revered the past, and used it, at once, to awe and to protect the present; that had faith in the wisdom of their ancestors, and none at all in the pretensions of political quacks of all sorts—it was they. Their fundamental maxim, as Hugo remarks after Appian, was *melior est conditio prohibentis*. Their constitution was one net-work of checks and counter checks. A reformer was not exactly required to propose his bill with a cord round his neck, as Charondas ordered it, but unless things were clearly ripe for its adoption, he might not think of carrying it out without a struggle, that would shake the Forum and the Campus Martius—perhaps the state. In reading Cicero, one is fatigued with the citing of precedents from the purer days of the republic, and with the perpetual recurrence of such phrases as *more majorum—veteri consuetudine institutoque majorum*. In this respect, also, as in so many other points of Roman history, we are irresistibly reminded of England and the English race. Niebuhr, indeed, goes so far as to say, that the Romans never abolished any thing—that their institutions were all suf-

* Εκ τε των πατριων εθων, says he. l. x. 55.

fered to live out their time, and were only laid aside or disused, when there was no longer any vitality or strength in them.* Perhaps our readers will see, when we come to speak of the influence of Tuscan manners and religion on the character and destinies of Rome, how it was that the state was thus, as it were, consecrated—that it was regarded with a sort of Jewish reverence, and that it was deemed sacrilege to touch, were it but by accident, the ark of the covenant, with unhallowed hands. This aversion to all merely speculative innovation, is perfectly irreconcilable with their constant readiness to adopt improvements, tried by experience, or imperatively called for by the circumstances of the times, which was equally a distinguishing characteristic of Rome. No people ever knew better how to follow Time, the mighty reformer, or that a froward retention of customs, as Bacon profoundly remarks, is itself a sort of innovation. Accordingly this trait of their national character has not escaped the observation of Niebuhr, and there are few passages in his work more vigorously and earnestly written, than that in which he contrasts their docile wisdom, with the bigotry that resists all progress, and, as it were, murders improvement in the womb.†

The same writer has shown, indeed, that the occasion of adopting the XII Tables, was a much more extraordinary one than has been commonly imagined. He makes it out very clearly to have been a *political revolution*, and that the aim and the issue of the struggle, which led to the appointing of the Decemvirs, was not merely to restrain what was arbitrary in the judicature of the counsels, or to reduce their customs to a written code, but to bring about a perfect equality among the different classes of society.‡ According to his masterly exposition of the history of that period, as well as from the tenor of Livy's narrative, it is very manifest to us that the patricians, whose numbers had been fearfully reduced by pestilence some years before these events, never afterwards recovered their ground; that, on the contrary, the spirit of the plebs were raised, and their way to the consulship, which they attained through a series of triumphs in the course of the century, made clear and comparatively smooth. But even this does not alter the case. The probability is that the reforms ascribed to Servius Tullus—such as the abolition of the *nexus*—which had been defeated, or neglected in practice, were at least as extensive as these. Nay, he actually did effect a most fundamental revolution in the state. He converted an aristocracy into a timarchy, as Solon and Cleisthenes, did, and considering the tradition of his relation to the elder Tarquin, and of the Corinthian extraction and connections of the latter, it is not improbable, from this perfect coincidence in so re-

* R. G. I. p. 2, 3. † Ib. II. p. 509.
‡ With some few *exceptions*, they effected this.

markable a point, that Greek ideas may have had some effect in suggesting the form of classes and centuries. Yet, we do not hear of any other change in the law at that time; and still less, of a new and an imported code.* Admitting, therefore, as we do, that the laws of the XII Tables were a *magna charta*—a treaty between parties in arms against one another—a compromise between real powers, and so a constitution, in the only proper sense of the word—still it does not follow, as we have seen in *that* memorable case, that there was any material alteration of the laws, beyond the particular abuses that provoked the struggle, and were redressed by it. The revolution of 1688 in England and our own revolution are additional examples of the same kind. In short, we consider the XII Tables as a statute declatory of the old common law of Rome, and say of it, as Livy says of the supposed obligations of Numa to the philosophy of Pythagoras, that they were due not to foreign wisdom, but to the stern and rude discipline of the old Sabines.† The legislation of Rome was, we repeat it, entirely peculiar and indigenous—as much so as the organization and the discipline of the Legion. Certainly in that age when Athens was in all her glory, under the administration of Pericles—only thirteen years before the Peloponnesian war, and in the midst of a constant intercourse between Greece and her numerous colonies in Italy—no one can doubt, as Niebuhr insists, that they had every means of learning what was the legislation of her renowned lawgivers. But there is nothing but the loosest tradition to show that they turned those means to any practical account, while all internal evidence is against it. To us one fact alone is decisive of the whole question. It is the very one adduced by that great man to show that the laws of the two last of the XII Tables, savage and strange as they appear to us, could not have struck the Romans in the same way, because they were never repealed. Not only so, but they were, for centuries together, the object not merely of reverential obedience, but of studied panegyric. Now we go farther: we affirm that this fact is conclusive to show that those provisions were such as the people had been accustomed to from time immemorial: more especially, if we consider the laws themselves, as we have just remarked, in the light of a compromise, extorted, by the body of the plebs, from a decayed and enfeebled, though not dispirited, oligarchy. Montesquieu long ago observed, of the

* See the speech of Servius Tullus, Dionys. IV. p. 10, which is a programme of all future reforms—public lands—debtor and creditor, &c. The expression for the Nexi is well chosen, μηδένα δανείζειν επί σώμασιν ελευθέροις. The historian makes him refer to the legislation of foreigners—with a view—not to the σεισαχθεια of Solon—but to his classification of citizens according to taxable property.

† Disciplina tetrica et tristi veterum Sabinorum, l. 1. c. 18.

laws limiting the rate of interest, that the Decemvirs—the haughtiest of aristocrats—never wrote any such law. He was, without knowing how, right to a certain extent. They wrote it only on compulsion. The day—the *ineluctabile tempus*— was come, when it must be written. It was already passed into law in men's minds, and it took its place naturally, by the side of the immemorial usages and maxims recorded with it, on those tables of brass or ivory. But it is utterly inconceivable that the XII Tables should have been, in the main, more than a declaratory act, when we consider that the overthrow of those odious tyrants, and the popular vengeance, justly exercised upon them, had no effect whatever in suspending the execution or impairing the authority of their laws. The abolition, some years after, and not without a vehement struggle, by the Canuleian *rogation*, of the clause prohibiting marriages between patricians and plebeians, is an exception that proves the rule. We cannot doubt but that such marriages were unlawful from the beginning, as inconsistent with the first principles and whole economy of the Roman constitution, in its primitive state.*

Whether we consider the XII Tables as showing what the law had been from the beginning of the first, or what it continued to be, with no very important changes, until towards the end of the second period of its history, according to the distribution of Hugo—whether we look upon them, with Tacitus, as the last act of equitable legislation, or with Livy, as the source of all the subsequent jurisprudence public and private of Rome—we must equally regret that this precious monument is come down to us a mere fragment. Thirty-five precepts, contained in not many more lines, are all the remains of it that learned industry has been able to glean from the whole field of ancient literature. To these must be added the substance of some others preserved by writers who had occasion to refer to them. This is, indeed, miserably unsatisfactory, for the curiosity naturally inspired by a relic of such capital importance. Yet there is enough left *of* it or *about* it, to reveal the spirit of the ancient law of Rome, and to show how remarkably contrasted it is with the body of jurisprudence collected by Justinian. We see the rude forms of process, and the cruel modes of execution. We see the despotic authority of the father over the son, who stands to him in the relation of a chattel, of which he has the most absolute disposal, and which does not cease to be his, until he has alienated it three several times. We find libels punished with death, and the *lex talionis* enforced for a broken limb. That most terrible of all the scourges of the poor plebeian, the power of

* See the speech of the consuls, Liv. 1. 4. c. 2. Niebuhr, R. G. I. 419. Canuleius, in his harangue, declares that it was an innovation of the Decemvirs. Livy follows Dionysius l. x, c. 60.

the creditor over his insolvent debtor is maintained in its utmost rigor. The latter is still allowed (and it seems to be the only form of contract yet in use) to mortgage his life, his liberty, his children, to the lender; and if the Equi and Volsci, in their eternal inroads, lay waste his little farm, or he is compelled, by being enrolled to resist those enemies, to leave his ground untilled, or his crop to perish for want of tendance, so that he is unable to meet his engagements, he is loaded with chains, dragged to the market-place to see, perchance, if others will have more mercy for him than his remorseless *master*, and, in case charity or friendship do not enable him to satisfy the demand, may be put to death, or sold beyond the Tiber. The case of many creditors having liens upon the same bankrupt body occurs, and provision is made for an equitable distribution of the assets except that a clumsy dissection is excused before-hand by the law, with an indulgence for unintentional, because unprofitable inequality, which would have ravished Shylock into ecstacy.*

The most tender, and the most important of the domestic relations, is regulated in the same stern spirit of absolute dominion in the father of the family. The husband acquires his wife like any other property, by purchase in market-overt, (coemptio,) or by a statute of limitations, (usu,) after a possession of one year, not interrupted for three nights together at any one time. There is still another form, consecrated by religion, and having mystic reference, says Creuzer,† to agrarian hieroglyphs of a remote antiquity. This was marriage by *confarreatio*, or the eating of the salt rice-cake from the hands of the pontiff, in the presence of witnesses. The nuptials of the patricians, as a caste of priests, were originally celebrated in this way. The plebeian, and, generally, most usual rite, was the *coemptio*. The legal effects, however, of the three forms were the same, (*conventio in manum*;) the wife became the husband's property, and inherited of him only as one of his children. Woman was condemned by this old law to perpetual incapacity; as a daughter, she was the slave of the paternal, as a wife, of the marital authority; and the death of the father or the husband only subjected her to the tutelage of a kinsman. This tutelage, which is at best one of the less understood points of jurisprudence, was of course mitigated by the progress of civilization, and the influence of the sex, and ceased entirely during the fourth period of our history. To be, in the eye of the law, the bond-slave of her husband, the sister of her son, is a theory so paradoxical and shocking, that nothing

* As to this celebrated *questio vexata*, Hugo concurs with Bynkershoeck, that the language is metaphorical. Niebuhr, on the contrary, is equally positive that the literal sense is the proper one. R. G. ii. 670; so Gibbon thinks, or seems to think. We humbly concur with the latter.

† Symbolik, B. ii, 100. We follow Gibbon in interpreting *far*, rice.

but evil and disorder might be anticipated from it; yet Dionysius of Halicarnassus is enraptured with its effects in practice, and they were unquestionably good. In a corrupt age, when Augustus endeavored by the severe provisions of the Julian laws, and the *lex Papia-Poppæa*, to restore purity of morals, and to bring marriages again into fashion, it is amusing to read the sage lamentations of the libertine Horace, himself a bachelor, over the sanctity of the marriage bed, and the fruitful chastity of those happy times, so entirely obsolete in his own.* That, in spite of all that the law could do, nature asserted for the sex the influence that belongs to it in civilized society, is clear, from the traditions adopted and adorned by the genius of Livy. The question of the wise old Spanish monarch, *quien es ella*, would not have been asked in vain among those stern warriors, for, from the rape of the Sabines to Theodora's conquest of Justinian, woman seems to have been at the bottom of almost all the memorable events of Roman story. Lucretia, Virginia, Veturia, Fabia the wife of Licinius, who became at her instigation the first plebeian consul, are illustrious examples of this; and whatever may be the changes of manners and opinions, as Hume has well remarked, all nations, with one accord, point for the ideal of a virtuous matron to the daughter of Scipio and the mother of the Gracchi. The extraordinary, and Montesquieu thinks incredible, fact, that it was not until upwards of five centuries were elapsed, that a divorce was heard of at Rome, is evidence either of signal purity of manners, or that the laws were wonderfully accommodated to the manners, such as they were.

The Roman seemed to think nothing his own (except acquisitions *jure belli*) but what he might call, in biblical phrase, "his money." He bought his wife, he bought his child by adoption—his property in his own son could be lost only by repeated sales; his last will, which he was authorized by the XII Tables to make, was in the shape of a transfer, *inter vivos*, and for a valuable consideration, to a nominal purchaser, like the conveyance to a use for that purpose before the statute 32 Henry VIII. This reveals one of the most important traits of the Roman character, its avarice—or it may be only an overweening sense of commutative justice. They exacted inexorably a *quid pro quo*, and held no sale complete until the price was received. But to acquire the property of a Roman—to hold, as they termed it, not by natural law, but *ex jure Quiritium*—the transfer was required to be made with the solemnities of a regular *mancipatio*, in all cases where the thing was important enough to be classed with *res mancipi*. Since the real Gaius has been opened to us, compared with Ulpian and Mai's palimpsests, we are better informed what this description comprehends, and as to the several con-

* Od. iii. 6. 24. Epod.

veyances which alone were effectual to divest the Roman of his privileged proprietorship. The chief of these was the *mancipatio*, just mentioned, a symbolical sale, in the presence of at least five witnesses, all Roman citizens, and representing, it may be, the five tax-paying classes, under the authority of a pontiff or some other public officer, whose presence gave solemnity to the act, and whose business it was to weigh the copper (there was as yet no coin) paid as the price (*per aes et libram*). This sale, however, though it were regular in every particular, of course transferred no property, unless there were, in the purchaser, a capacity to take, and that capacity none but a *Roman citizen* could have, or the few foreigners who were favored with the rights of denizens (*Commercium*). It is our purpose, in alluding to these principles of this ancient law, only to show how strictly it was then entitled to be called *jus civile*, and how very far removed it was from the catholic and comprehensive system which has served for the basis of modern jurisprudence. We here see that the very *property* of a Roman was peculiar and exclusive, and we shall be still more struck with its privileged character, if we consider what Niebuhr has brought to view, as to the solemn ceremonies with which the soil of the *ager Romanus* was laid out and limited by the augurs.* It was all holy ground, and a trespass upon it was sacrilege.

Other heads of the XII Tables regard inheritance *ab intestato*, and the appointment of tutors. None could be heir to a Roman but his *agnati*, (including his wife *in manu* and his daughter,) and no inheritance could be transmitted through females. If there were no *agnati*, or persons of the same family tracing their consanguinity through the male line, the estate descended to the *gentiles*, or members of the *clan* or lineage. The tutorship was a burthen, or a privilege, that accompanied the right of inheritance, and that inheritance, once accepted by him that was free to refuse, and in other cases, whether accepted or not, bound the heir, with or without his assent, to all the liabilities of the deceased—a stern doctrine, subsequently modified in practice and by legislation.

Penal jurisprudence was never a very important part of the Roman Law. Several causes conspired to produce this effect, but certainly one of the most important was the domestic jurisdiction of the father of the family. Thus we find, in the XII Tables, that theft is made in some cases a matter of private action, as it continued ever after. But the few provisions in regard to the punishment of crimes, that are to be found among these fragments, are in the true spirit of Roman discipline, typified, as Dionysius remarks with complacency, in the lictor always at the consul's beck, ready armed with the rod and the axe, to inflict

* R. G. ii. 695. Anhang.

summarily the two punishments most familiar to the old law. But these laws prohibited the taking of the life of a Roman except by the sentence of the people met in the great assembly of the Centuries, and his person was in a later age made inviolable by the Portian and Sempronian laws.* Sternness and even cruelty in the execution of penal laws, and in enforcing civil and military discipline, continued through all periods to characterize these masters of mankind. For a breach of that discipline, whole legions were sometimes scourged and decapitated,† and he that has seen by the light of history Ruben's master-pieces,—especially the "Elevation of the Cross," and the "Breaking of the Legs," at Antwerp—has come away with his imagination impressed forever with ideas equally just and frightful of the muscular and mighty strength, the colossal proportions, and the barbarous hard heartedness of Roman domination—especially as contrasted with the meek type of Christian civilization on the Cross.

But amid provisions like these, the voice, at once, of political wisdom and of everlasting justice speaks in the interdiction of all *privilegia*, or bills of attainder and ex post facto laws—of all laws, in short, made for a particular case. The fidelity of the client is encouraged by the curse pronounced upon the unjust patron (sacer esto!) The Libripens, or attesting witness, who refuses to give testimony before the Judge, is declared for ever infamous and incompetent (improbus et intestabilis.)‡ In a question involving the liberty of one of the parties, the presumption is in favor of it. It is from such precepts that we ought, in fairness, to judge of the opinions, as we have seen, passed upon the legislation of the XII Tables by Tacitus and Cicero. There were doubtless many things in them calculated to excite the ridicule (if philosophy *ever* ridicules what has been venerated by a past age) of a more refined era; as we may learn from a well known passage in Aulus Gellius.§ Of this sort are the sumptuary precepts, relating to the burying of the dead, which are still extant, and one of which permits the body of the deceased to be burnt or interred, even with the gold that had been used to bind his teeth together.

Such were the XII Tables; but the character of this early jurisprudence is, of course, very imperfectly learned from the mere letter of the law. The important question how it was interpreted and enforced, remains to be answered.

In the first period, the Kings, and afterwards the Consuls, exercised the functions of judges, with an appeal, in capital cases,

* There is something hideous in the very title of the Lex Portia, *pro tergo* civium lata. A. U. C. 452.

† Dionysius XX. 7.

‡ The words are a *formula* and untranslateable. See Calvin's Lexicon.

§ Aul. Gell. 20. I.

to the people; but a form of judicature, extremely analogous to our trial by jury, was, in process of time, established at Rome. After the office of Prætor was instituted, (A. U. C. 387,) the functions of the magistrate became more and more separated from those of the judge of the facts. This admirable system of a single judge, charged under an undivided responsibility with maintaining the uniformity of the rule, while the application of it to the circumstances of the case was left, under his instruction, to the sound discretion of others, is, no doubt, one of the causes of the gradual improvement and great superiority of the Roman law. Of the edict of the Prætor, properly so called, it is not yet time to speak; but as our observations apply to the first, and a great part of the second period of Hugo's division, we could not avoid this allusion to the *selecti judices*.* We have already mentioned, that they were drawn from the senatorian order, until the rogation of C. Gracchus (A. U. C. 630) transferred the judicial power to the Knights.

The XII Tables, although they contained many provisions on what would be called among us points of practice, still left, in the main, much to be done by the courts themselves, in building up a system of procedure and *pleadings*. Accordingly, it has been generally thought that the patricians, combining, as we have seen, the priest and the lawyer, and transmitting their knowledge, as an occult science, to their successors in their caste, contrived, by way of indemnity to their own order, on losing the exclusive legislative power, (in which the *plebs* were now allowed to share,) what were called *Legis actiones*. This subject is, for the first time, placed in a clear light by Gaius, who treats of it at considerable length in the fourth book of his Institutes, (p. 190, seqq.) Unfortunately there are several chasms in the MS., which render even his account of it less perfect than could be wished. It is not necessary to our purpose, to enter into any detailed analysis of the different species of these *actiones legis*, but simply to mention, that Gaius suggests as one reason why they may have been called so, that, like our indictments upon penal statutes, they were required to conform, with the strictest exactness, to the very *words* of the law. For example, the XII Tables gave a remedy, in general terms, against a trespasser, for cutting down *the trees* of another. It was understood as *nomen generalissimum*, and yet in an action for such an injury to a vineyard, the allegation being for *vites*, instead of *arbores*, it was held bad. The result was, that in process of

* On this, as indeed most other subjects of Roman legislation, Beaufort may be consulted with profit. Republique Romaine, l. v. c. 2., or Noodt (on whom he relies,) de Jurisdict. The latter thinks the division between the magistrate, (king or consul,) and the judge, with the *formula*, existed before the XII tables. Ib. l. c. 6.

time these forms of pleadings all fell into such odium, that by the Æbutian and the two Julian laws, they were entirely abolished, and *formulæ*, of a more convenient kind, substituted for them. It is easy to perceive what an immense control an entire monopoly of this precious science of special pleading (and it extended to matters of voluntary jurisdiction, as well) must have given to the patricians over all the business of the people. But their advantages did not stop there. There were from the time of Numa, in the Roman calendar, a great number of *dies nefasti*, or *dies non*, as we believe they are called for shortness in our courts. These were known to the pontiffs only, and to add to the embarrassment of the uninitiated, that calendar was itself so imperfect as to require frequent intercalations to make the civil year agree with the course of the sun. The Tuscans, from whom the Romans had learned all the little astronomy they possessed, had taught them results without explaining the reasons, and the pupils were, of course, liable to commit blunders, in the application of their rules. But besides errors of that sort, Niebuhr scruples not to impeach their integrity, and to impute to their intrigues a still greater confusion in the "times," already sufficiently "out of joint." A more fearful disorder in a well-regulated society can scarcely be imagined—the case was still harder with the *plebs*, the majority of whom were honest farmers, coming to town only on market days, and not having much time to spare. To be without an almanac under such circumstances were bad enough; what must it have been to have a false one?*

The patricians, it is true, gave the information and advice needed by the ignorant in such matters, *gratis*. They thought themselves abundantly compensated in the influence conferred upon them by their black art. But their "forensic royalty," as Heineccius calls it, was not to last long. A fellow of the name of Cn. Flavius, a scrivener, son or grandson of a freedman, had been employed by the renowned Appius Claudius, the Blind, as a clerk or secretary. This gave him an opportunity, of which he availed himself, to copy all the *forms*, together with the fasti, and to publish them for the benefit of mankind. The people were so grateful to him for the unexpected service, that he was created Edile. This is the *Jus Flavianum*.

It is an ungracious thing to spoil a good story; and yet there is, it appears to us, a great deal of force in Hugo's objections to this. (p. 450.) But this strictness in pleadings, so strikingly analogous to that of our old common law, *may* possibly have proceeded from similar causes. Besides the influence ascribed

* Put the case of a title by prescription, or by the statute, as it is called; it would manifestly depend in some measure on the pontiff's intercalation. R. G, I. 289.

to the subtlety of Norman clerks, and to the school logic introduced by those celebrated churchmen, Lanfranc and Anselm, it is certain that jury trial does call for precision of statement, and simplicity in the issue. Now, the Romans, as we have seen, had a sort of jury trial, of uncertain origin, it is true; but the presumption is, as Noodt supposes, that it was almost as old as their law itself. If that *was* the case, Montesquieu may, on the whole, be right in his manner of accounting for this strictness of forms in the early judicature of the republic. In treating the question under what governments and in what cases, judges ought to conform most strictly to the letter of the law, he remarks, that in monarchies, judges are like arbitrators; they deliberate together, they communicate their ideas to one another, they conciliate and compromise. At Rome and in the Greek cities, in conformity, as he affirms, (though we do not exactly perceive it,) with the spirit of republicanism, every judge gave his own opinion categorically—"I acquit," "I condemn," "I am not convinced." "It is because the people judged, or was supposed to judge. Now the people are no jurisconsults; all these temperaments and modifications of arbitrators are not for them; it is necessary to present to them a single object, a fact, a single fact, &c." He then goes on to remark, that the Romans, after the example of the Greeks, introduced forms of action, and required that every cause should be carried on in the appropriate form. It was necessary to ascertain and *fix* the issue, in order that the people should have it steadily in view; otherwise, in the course of a prolonged inquiry, the state of the question would be continually changing, and great confusion would ensue. The Prætors invented, in later times, more accommodating forms, and more, as he supposes, in the spirit of monarchy.

There is undoubtedly—making the usual allowance for some radically false notions of Montesquieu—a good deal of force in this observation; and we will just add here, that the idea is strikingly illustrated by the difference between the two sects of jurisconsults, of which it is our purpose, if our space admit of it, to say something more. Labeo, the republican, adhered, with his followers, to the rigid logic of the law—Capito, the creature and the tool of an insidious despotism, always favored equity, and dealt in temperaments and modifications.*

But the Romans did not, as Montesquieu supposes, imitate the

* Lest we should not have another opportunity, we adduce as an illustration the following from Gaius himself, one of the Sabiniani or Cassiani. Suppose a son delivered up *ex noxali causa*, i. e. for any damages done another's property, for which his father would otherwise be liable, must he be emancipated three times, as in other cases, or only once? Three times; because the law makes no exception, say the Proculiani—once, says Cassius and Sabinus.—Gai. Inst. p. 218. This tendency began with Augustus, and prevailed, as we have seen, ever after.

Greeks in this respect. If they were not led to it by motives growing out of their situation, as he aims to show they were, they followed those masters in whose school their intellectual character was mainly formed and that superstitious adherence to forms learned, with every other sort of superstition. We alluded just now to the effect of Norman manners and character in England, and mentioned the subtlety of a scholastic clergy as sharpening the acumen of the special pleader, and infecting the common law with the spirit of chicane. The mixture of races in that island, was attended with consequences of the greatest importance, not in this respect alone, but in many others which it would be easy to point out.* But the sluggish, though firm, enduring, and robust Anglo-Saxon, did not gain more by a union with the subtle, crafty, rapacious, and adventurous Norman, than did the city of Romulus and Tatius—the Latin and the Sabine of the Palatine and the Capitol—from the superior civilization of that mysterious, unfathomable Tuscany—darker, says Niebuhr, than Egypt—which we know only by ruins, or through Rome.

We have the casual testimony of antiquity to the fact that the Roman people was composed of the Etrurian or Tuscan, Latin, and Sabine or Sabellian races.† This city grew up on the confines of three considerable confederacies, under the names just mentioned, varying, according to times and circumstances, in relative strength and importance, and still more in character and institutions. The Latin element, although judging from language, the basis of the whole, was, with a view to moral effects, the least prominent; and we need only add, that there is every reason to believe that that tract of country, for so many centuries laid waste by *malaria*, and now so desolate, was, in these remote times, extremely populous and flourishing—much more so than under the dominion of Rome. But it is in the union of the fierce, rude, and warlike mountaineers of Samnitic origin, with the Tuscan lucumon, or patrician priest, that we are to seek for a solution of the great problem of Roman civilization.

The whole constitution of society among the Samnites and Sabines reposed, as it did in Tuscany, upon aristocracy and religion; but their aristocracy was not, as in Tuscany, surrounded with multitudes of slaves; and their religion, instead of depending on the memory and traditions of a patrician caste, was recorded in written precepts.‡ The country was in the highest state of cultivation; flourishing fields or rich pastures were seen upon the very tops of their mountains: and numerous villages, instead of cities, were the abode of an immense rural population.

* We believe Herder was the first to make this important remark. See Philosophie der Geschichte, &c., IV., 161.

† Florus, l. III. 18.

‡ Schlosser, 2 Th. 1. abth. 270.

The aristocracy were not oppressive, because their lives were innocent and their manners simple; with few or scarcely any slaves, they tilled their own grounds and fed their own flocks. Marriages were early contracted and publicly solemnized, and their wives, chaste, industrious, and above all, obedient, were helps meet for them in their rustic labors, or in their quiet household. Above all, they were devoted to agriculture practically and theoretically, as the priesthood of the *Fratrés Arvales*, derived to Rome from thence, sufficiently shows. Creuzer thinks, that woman had a hard lot there, as well as in the primitive Latium.

This element of the Roman character is illustrated in some of the most remarkable passages of the early history of the Republic, and was more and more developed during the Italian wars, when Rome, under Papirius Cursor and his successors, began to conquer without being corrupted. The Sabines were the warrior caste of the new state; they were soon united in it, as in the east, to a caste of priests.

That Rome borrowed from Tuscany some of the external pomp and bravery of her costume and ceremonial, has often been repeated. The toga prætexta, the golden crown, the sceptre with the eagle, the curule chair, the axes and fasces of the lictors, ensigns of power that passed from the kings to the consuls, and even the triumph itself, was derived from them. But the inward influences from the same source were not so generally perceived, or not sufficiently appreciated. Nobody saw them so distinctly as to affirm, before Niebuhr, that the phenomena could be explained on no other hypothesis than that Rome had derived her Tuscan forms of all sorts from a Tuscan prince, and was at one time the great and splendid capital of a powerful Tuscan state.* The great philologist repeats this opinion in the latest edition of his work, with the utmost emphasis and deliberation, at the same time that he indirectly retracts some of the views on this subject when he was much younger, which he admits were false or exaggerated. The Roman writers whom we possess, are not blind to the fact, that the Tuscans had taught their ancestors much; but they thought it was merely teaching. They did not know, (with some casual and unimportant exceptions,) that by an actual mixture of races, it was become *nature*, and that the warlike spirit and frugal manners of the conquerors of the Samnites, were not more surely descended to them from those very Samnites with the blood of their mothers in the Legend of the Rape, than their deep reverence for the mysteries of soothsaying, the influence of the augur and the pontiff, with their occult science, the scrupulous attachment to forms, the very shape of a caste, (so important to the preservation of traditional principles,) which

* R. G. i. 402.

the patricians had given to their *gentes*, their reluctance to make a change, struggling with their readiness to receive admitted improvement; in short, the oriental color that so deeply tinges the early Roman character, and left its impress upon it long after the warlike Sabine propensities had, by extinction of families and other causes, obtained the mastery in their conduct; that these traits so *very* peculiar and distinguishing, we say, were also the voice of blood, and the testimony of a common origin. It was recorded, because it could not be dissembled, that the opulent youth of the city were educated by Tuscan masters, in all the wisdom of those Egyptians, and the *Libri Rituales* were there to show many Roman practices of the highest importance in their eyes, were borrowed from them; but these very facts, the evidence of an intimate and hereditary connection, were regarded as proof only of a comparatively slight and superficial intercourse.

The *libri rituales*, as described by Festus, speak for themselves. They remind us of the Mosaic ritual: "they teach the rites with which cities are to be founded, and altars and temples dedicated; the holiness of the walls of towns; the law relating to their gates; how tribes, wards, (*curiæ*,) centuries, are to be distributed; armies organized and *arrayed*; and other the like things relating to peace and war." We call the attention of our readers to the comprehensiveness and importance of all this—it goes to the very bottom of the whole body of public law, civil and military. We see the same influence, as we have already had occasion to remark, extending itself over the very soil of the Roman territory, and making, in the technical language of their augury, one vast temple of it. It was consecrated by the auspices; it could become the property only of one who had the auspices, that is, a patrician or *Roman*, properly so called: once set apart and conveyed away, it was irrevocably alienated, so that sales of the domain were guaranteed by religion, and it was sacrilegious to establish a second colony on the place dedicated to a first. Auspices could be taken no where else but on some spot which *they* had rendered sacred. The city, by its original inauguration, was also a temple—its gates and walls were holy; its pomœrium was unchangeable, until higher auspices had superseded those under which it was at first marked out. Every spot of ground might become, by the different uses to which it was applied—sacred, (*sacer*,) holy, (*sanctus*,) religious, (*religiosus*.) To the assembly of the *Curiæ*, the presence of the augurs was, of course, indispensable; that of the *Centuries* could not be held, unless the augurs and two pontiffs assisted at it,* as it was dissolved instantly, at their bidding, on the occurrence of any sinister omen, were it but the flight of an obscene bird, (*si bubo*

* Niebuhr, R. G. ii. 253.

volasset.) The first *agrimensor*, says Niebuhr,* was an augur, accompanied by Tuscan priests or their scholars. From the foundation of the city, the sacredness of property was shadowed forth in the worship of the god Terminus, and that of contracts protected by an apotheosis of Faith. In short, the worthy Roman lived, moved, and had his being, as the Greek writers observe, in religion—a religion, too, as peculiar as every thing else in his situation.

There is a noted passage of Dionysius, wherein he makes this remark.† He is charmed to find in the (primitive) worship of Rome, none of those prodigious, and humanly speaking, obscene and abominable things, which disgusted the Greek philosopher in the mythology of his fathers—no corybantes with their clashing cymbals and frantic convulsions,‡—no howlings for the loss of Proserpine—no mutilations of Cœlum or Saturn. The priests, also, were a sort of magistracy, not drawn by lot, but elected by the Curiæ, two to each, men fifty years old and upwards, distinguished for high birth and exemplary lives. The Romans, says Creuzer, embraced and long retained the primitive Pelasgic religion, that once prevailed generally in Italy—the worship of those old gods, still carried round in the Circensian pomps. These, with the augurs, extispices, &c., were long ago forgotten in Greece. *There*, he continues, instead of primeval faith and reverence, there had sprung up out of the mythology of Homer and Hesiod the splendors of a sensual anthropomorphism. In Etruria and Rome, the poetical element was always subordinate to the mystical; for bards and artists never exercised the same control over a religion established by the state, and superintended by ancient and serious priests. They looked beyond Olympus, into the depths of the heavens and the earth. The pious and worthy fathers of the calm and thoughtful Latium, did not suffer themselves to be transported by the gay fancies of the Greek αοιδαι, beyond the homely circle of the religion of their fathers. The pious old Roman adored and served his god for one hundred and seventy years together, without an image.§ Even after idols stood in the sacred niches, the worship of the High Vesta savored of that primitive simplicity. Ever after he was satisfied, in her still holy house, with the bright flame of the pure fire without an image. And when in the earthquake, the mysterious influence of dark powers made itself felt, the Romans still adored and believed without examining, and

* Niebuhr, R. G. ii. 703. 19

† L. ii. c. 19.

‡ Creuzer, Symbolik. ii. 980, remarks that the Salii are an oriental institution.

§ Plutarch in Numa, 8. p. 65, 6. Heyne doubts, but see the learned note of Creuzer, Symbolik. ii. 993, and what Posidonius, (ibi. laudat.) says of the excellent character of old Rome.

prayed to no ascertained or known God.* Had he never gone astray after false and foreign gods, had he not ambitiously given to its exterior the polished air and forms of Greece, there might have sprung up out of this old, mysterious, nature-exploring, serious and moral religion—as a great writer observes†—from the deep roots of this nationality founded on religion—an art, a tragic muse, that would have diffused their peculiar spirit and worth over other times and peoples, instead of the imperfect and imitative efforts on a foreign soil, which we must now rather deplore than admire.

Thus predisposed by original complexion, as well as by religious discipline and opinions, to mysticism, the Latin fathers of Rome were prepared to receive the deepest impressions from the admixture of the Tuscan race, with its singular civilization, impressed with an oriental character. Religion was the life of that civilization; but not in the form of a natural sentiment merely, or an easy and obedient faith. It was become a regular science, though still a mysterious one—its priesthood was a political privilege—in short, it was the very basis of the whole constitution of society. Unfortunately the language of Tuscany was so entirely peculiar, that even in an age which has found a key for the hieroglyphics of Egypt, it is almost given up in despair. But the most remarkable social phenomenon by far—with the exception of Rome—which the history of ancient Italy presents, (for so the existence of Tuscany is,) could not pass away without leaving many traces behind it. The genius of the people seems to have been inclined to melancholy and superstition. The volcanic nature about them, produced all monstrous, all prodigious things; they looked with anxious curiosity into the signs of the future—they sought and studied them, especially, in lightning and thunder, in the bowels of animals, and in the flight, the feeding, and the voices of birds. They had digested systematically what Creuzer calls a "sacred ornithology"—and it was in their schools only that the augurs and auspices of Rome could be taught their science Tuscany thus became as renowned as Egypt for her superstitions, and a father of the church describes her as the great mother and nurse of them.‡ But in reducing the primitive religion of Italy to a system, she corrupted its simplicity. A ritual abounding in forms, and precise in enforcing them, altered the genius of the people. Their worship, and indeed their whole life, became full of gorgeous pomps and mummeries, and the word ceremony, derived from

* Aul. Gell. ii. 28. credere quam scire, as Tacitus, (de Morib. Germ.) has it.

† We refer with pleasure to the admirable remarks of *M. le Baron* (as we hear) A. W. von Schlegel. Dramatische Kunst und Litteratur. ii. 21.

‡ Arnobius apud Creuzer, Symb. ii. 954.

Cære, one of their cities, will attest, to the latest times, their taste for what was formal, studied, stately, and mysterious.

The union then of the elements, which we have thus attempted to develop, formed the character of the Roman people, and the body of maxims, doctrines, and opinions, that constitutes their law, public and private. It is thus, for instance, that the Tuscan love of symbols, and punctilious observance of forms, are impressed, as we have seen, upon the ancient practice of her tribunals and modes of conveyancing.*

We trust that this view of the subject will not have been uninteresting or uninstructive to the philosophical reader, to whom such studies may be new. But we must hasten to a conclusion, after adding in a few words by way of recapitulation, an ideal portraiture of the *Pater Romanus*, or full Roman citizen, under the old law. It was thus that Niebuhr correctly translates the phrase in the lines of Virgil:

> Dum domus Æneæ, Capitoli immobile saxum.
> Accolet *imperiumque Pater Romanus* habebit.†

The Roman legislator, according to Dionysius of Halicarnassus, built the state upon the family, or more philosophically speaking, the state grew up of itself out of the family, and *father of a family* is synonymous with him who enjoyed, without any diminution, all the *jura Quiritium*. Patricians, *patres*, were the whole *caste* of those entitled to such rights, each, when *sui juris*, or not in the power of any other, being a *pater familias*.

This image of patriarchal authority was preserved with care, and only enlarged, as we have said, in the constitution of the state itself. The law, in its turn, clothed the Roman father, at home, with her own majesty. Seated upon his domestic throne, or tribunal, he exercises without appeal, and beyond even the veto of the tribune, a despotic authority in his family. He has power of life and death over his wife, his child, his slave, his debtor—they are his money, as we have seen. Three terrible words of the law sum up his *imperium*, in these four relations, *potestas*, *manus*, *mancipium*. It is not by way of implying any restraint upon his dominion, that the XII Tables expressly authorize or enjoin the making away with deformed infants. No office, no virtue, no power in the state, no glory in arms, releases his son from this natural, and unless his master will it otherwise, eternal allegiance. He may marry a wife, by permission, but he shall not be capable of holding property to maintain her; he

* See the picturesque description in Gibbon's 44th chap., and what we have said of the *actiones legis*.

† The text is to be found, Æneid, ix. 446, 9, and the commentary, R. Ch. 264, a.

may beget children, but they shall be bondmen born of his own lord. As for the slave, he may be cut up to feed the fish in his ponds, and both he and the child, if they commit any trespass, may be abandoned to the arbitrary discretion of the injured party, in order to release their *owner* from liability. The fate of the poor debtor we have just read, in that *horrendum carmen*, as it was well called. This relation (as money has been at the bottom of most revolutions) gave rise to unceasing contests between the ruling *caste* and the *plebs*. The patriarchs obstinately, and, for centuries together, successfully maintained the principle and the practice of the *nexus*. The house of our *Pater Romanus* is not only his own castle, it is the dungeon of enslaved debtors toiling under the lash. Livy's words are quoted by Niebuhr, whose commentary is powerfully written, and presents a frightful picture of oppression. The eloquent Roman informs us, that men "adjudged according to their 'bond' to slavery, were seen daily, by troops, dragged from the forum to their *ergastula*; that the houses of the nobles were filled with debtors in chains, and that wherever a patrician dwelt, *there* was a private prison."*

Towards the foreigner, he is altogether without sympathy. Stranger and enemy are the same, in his old language. With the consciousness or the instincts of his high destinies, he considers every means consecrated by such an end as the aggrandizement of Rome: and wo to those who stand in the way of it. He pleads, when made prisoner in battle, and released to procure a peace, that he may be sent back to certain torture or servitude—if he have saved an army under his command, by an unauthorized treaty, he begs to atone for his officiousness with his life—he puts his son to death, if he gain a victory at the expense of discipline—how shall he feel for enemies, created, predestined to become his slaves? Accordingly, he destroys without compunction—ravages whole tracts of country, sacks and burns cities, fills his camp with plunder, and sells (where it is not more politic to spare and colonize) into bondage, to traffickers who follow his bloody footsteps like vultures, all—man, woman, and child—whom the sword has not cut off. The bravest and finest of his captives shall one day be reserved for the nameless horrors of the amphitheatre, the only pastime that really interests him—a pastime fit for a horde of cannibals, such as a demon of hell might invent for the amusement of fiends.

Our Pater Romanus, however, does not always oppress the poor and the weak; he sometimes, nay, frequently, serves them, from motives of policy especially. His own clients and retainers are under his guardian care, of course; it is the condition

* T. Liv. vi. 36. *Gregatim* quotidie de foro addictos duci, &c. Niebuhr's manner of treating the subject of the *nexi*, is in the last degree masterly. R. G, I. 600.

and the reward of their fealty. But he emancipates his slave readily, and so makes him one of his own *gens* or lineage, bearing a patrician name, and entitled to all the privileges of a citizen. He sits in the forum, upon a sort of throne, or walks up and down among the people, glad to give legal advice gratis to whoever will ask for it. Even his most destructive conquests are made in the spirit of civilization, and directed to perpetual possession, regular administration, and unity of government—and hence his admirable colonial system—by which subjugated nations are adopted as his subjects, rather than extirpated as enemies; and his laws and his language are diffused over the whole earth.

Every thing inspires him with ideas of superiority; and his self-esteem is immense, but calm, enlightened, and majestic. He is a fatalist; but his fatalism too, as always happens, is self-conceit in disguise. He never dreams of being vanquished in the end, though he frequently is at the beginning of a war, and bears it with perfect composure. He has no faith in impulses; he works by system, and relies on general laws in every thing—in war especially,—he has "organized victory," as they said of Carnot, and is deliberately brave by calculation. If he will deliver up his own consuls to an enemy, stripped and pinioned for a sacrifice, what will he not do with *their* great men? He will expose them in his cruel triumph to the "rabble's curse" and scoffs, and then murder them; he will make the title of king a jest; they shall be his vassals; one of them shall put a liberty-cap upon his shorn head, and glory in being his freedman; another he will scourge and crucify like a bond-slave.

In private life, he is grave and austere, simple, sober, industrious, patient of toil, hardship, and pain. His conjugal love is none of the most rapturous, and his marriage is therefore of the kind called "good," not "delicious,"*—yet he is perfectly satisfied with it—for this whole period of five centuries passes away without a single change of wives. Yet he would almost as willingly adopt a child as have one of his own, and does not like too many of them on any terms. He looks with contempt on all arts, trades, and professions, which he abandons to his freedmen, reserving to himself war and agriculture alone; but he is very frugal, and decidedly avaricious†—though as yet his avarice takes the shape rather of parsimony than rapacity; but the day is coming when he shall be as insatiable as the grave, and *alieni appetens sui profusus* will be the device of his degenerate order. He is deeply religious, in his own way, controlled even in the weightiest matters by the most grovelling superstition—

* La Rochefoucault.

† See Cato de R. R., and his Life, in Plutarch. The old censor, in point of good husbandry, was a Roman Franklin.

faithful to oaths and to promises *made in proper form*, and profoundly impressed with reverence for the law, which he is seldom persuaded to break, although he is apt to evade it by fraudulent interpretation. So, if ever he violates the faith of treaties it is by sophistry and not by force; special pleading is the great instrument of his policy; and he thinks the gods satisfied, if men are only argued out of their rights with decent plausibility.* His whole history shows that his courage is equalled by his conduct, and his strength by his cunning.

In politics, he is strenuously conservative; he adheres to established institutions as long as they will hold together and work well; but he is not a bigot, and abandons them as soon as he perceives that the time is really come; neither does he scruple to adopt from his enemies weapons and methods which experience has shown him to be better than his own. One thing is most remarkable in his history: he *never* seeks a treaty, nor even comes to terms, with a foreigner successful in arms, and still threatening war or resistance—he *always* does so with his plebeian brethren, who drive him from post to post until he fairly opens the door of the city to them all. He loves power by the instinct of his nature, and for its own sake—not for the pomps and vanities that surround it—this simplicity distinguishes him from the kings of the barbarians.

Long protected by an appeal to the people, his person is at length rendered inviolable by the Portian and Sempronian laws. But it is not himself only that is sacred: he consecrates the state; he consecrates the city with its walls and gates; he consecrates the territory around it. Every thing about him is sanctified to his use, and his very property is not like other peoples'; he holds it *ex jure Quiritium*. Thus descended, thus constituted, thus disciplined, with such a character, and under such laws, he has from God the grandest mission that was ever confided to merely human hands. He is trained up for centuries in civil broils and border warfare, that he may learn to conquer the world, and in disputes about rights that he may know how to give it laws. The day is coming, when those laws, converted as it were to Christianity, shall breathe a higher, a purer, and a holier spirit; and when the cross, which is now the instrument of his most terrific despotism, shall be the earnest of a new order of triumphs in Constantine, and the symbol of the most perfect civilization that has ever blessed mankind—a civilization founded upon peace on earth, good will to men, and equality before the law.

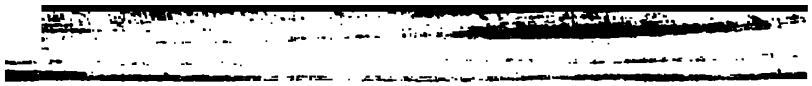
* See the whole case of the Caudine Forks, and especially the words put into the mouth of the Consul Posthumius by Livy, l. IX. c. 9.—though they were right in the main question.—See Vattel.

We have thus accomplished one of the objects we proposed to ourselves when we began this paper. We have brought into immediate contrast the Roman Law as it originally stood, with the same law as it has been transmitted to us in the collection of Justinian—the *jus civile* of the XII Tables, and the period immediately after that, with the *jus gentium* of Paullus and Ulpian, and still more of Domat and D'Aguesseau—in a word, the code fashioned by the Tuscan priest, with the same code remodelled by Christian potentates. It has been our purpose, as more suitable to such a work as this, to speak rather of the *spirit* of the law, than of the law itself.

But, in consequence of the inordinate length of this article, we are constrained to omit—perhaps to reserve for a future occasion—all that we proposed saying of the progress of Roman jurisprudence towards that consummation, from the time it first became matter of public instruction and scientific cultivation, up to the reign and the labors of Justinian. That investigation would have comprehended some of the most interesting and difficult questions in the history of the law—as the Lex Æbutia, and the origin of the Edict of the Prætor, in its most extensive application—both of them unfortunately still problematical—the *responsa prudentum*—and the origin and difference of the *Sects*, with the characters of Labeo and Capito—of Nerva and Sabinus—the legislation of the republic against bribery, extortion, and peculation, and the Cornelian laws—the legislation of Augustus in the *Leges Juliae* and Papia-Poppæa—Salvius Julianus and the Perpetual Edict—some notice of the great lights of the third period, or the Augustan age of the law, the five jurisconsults of the Theodosian constitution, who have been well characterized as "the last thinkers of antiquity;" and finally of the merits of Justinian and his commissioners, who certainly improved the *spirit* of the law, and as certainly hurt its forms by a most slovenly compilation.

We will only add, with regard to Mr. Schrader's new edition of the *Corpus Juris Civilis*, that we have found great convenience in the use of his Institutes, and heartily bid him God-speed for the yet unpublished part of the work.

[END OF VOL. I.]



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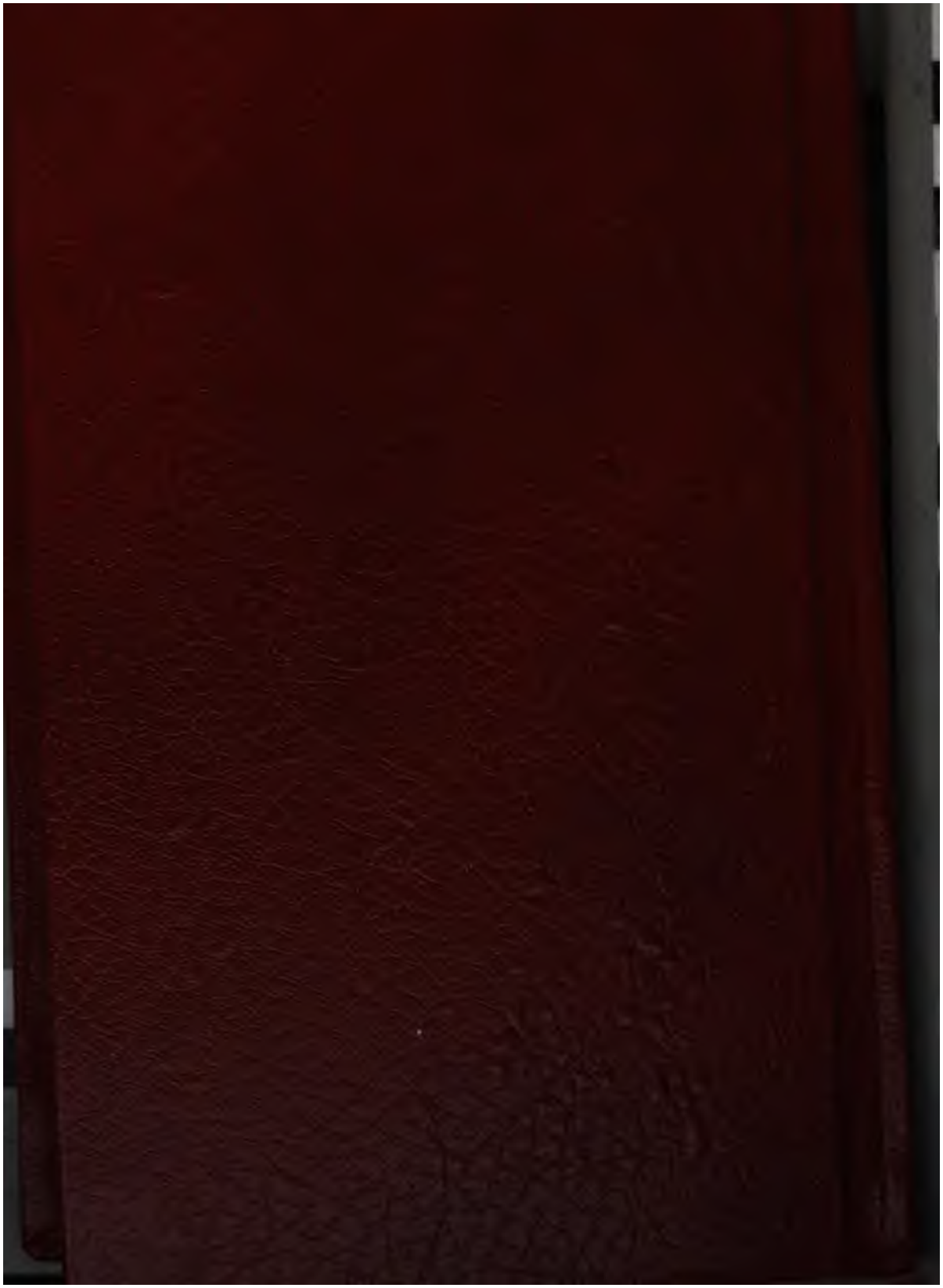
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